

CEMETERY OVERSIGHT TASK FORCE MEETING

August 27, 2009

2:00 P.M.

Held at: Thompson Center,

Chicago, Illinois

1 CEMETERY TASK FORCE COMMITTEE:

2 Honorable Patricia Brown Holmes,
3 Chairperson

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4 MR. LESTER CONEY,
5 Mesirow Financial

6 MR. MICHAEL KOTZIN,
7 Jewish United Fund/Jewish Federation
8 of Metropolitan Chicago

9 DR. BYRON BRAZIER,
10 Apostolic Church of God

8

9 DR. DAMON ARNOLD, (via telephone)
10 Director of Department of Health

11 SECRETARY BRENT E. ADAMS,
12 Department of Financial and Professional
13 Regulation

14 MR. WILLIAM MCNARY,
15 Citizen Action/Illinois

13

16 MS. ANDREA ZOPP,
17 Exelon Corporation

18 MR. DALITSO SULAMOYO, (via telephone)
19 Illinois Association of Community
20 Action Agencies

21 MR. WILLIE CARTER,
22 Restvale Cemetery

18

23 REPRESENTATIVE MONIQUE D. DAVIS,
24 27th House District

25 REPRESENTATIVE DAN BRADY,
26 88th House District

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1 SPEAKERS: MR. CHARLES CHILDS,
 A.A. Rayner & Sons Modern Funeral Service

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 MR. WAYNE STRAZA,
3 Former Director, Cemetery Care and
 Burial Trust Section

4

 MR. LOU RAGO,
5 Rago Brothers Funeral Home

6 MR. RONALD BAUER,
 Geographic Information Systems

7

 MR. EDWARD BOONE,
8 Friends of Burr Oak Cemetery

9 MS. D'ANNE ELIZABETH BURLEY,
 Private Citizen

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 MR. ROMAN SZABELSKI,
11 Receiver for Burr Oak Cemetery

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HONORABLE HOLMES: Good afternoon, everyone, and welcome to our fifth meeting of the cemetery oversight task force. My name is Patricia Brown-Holmes, and I am honored to chair this task force.

As many of you who have been to prior meetings know, I am a former judge, former prosecutor and currently am a partner in the law firm of Schiff, Hardin here in Chicago. I'd like to introduce the task force to you for those who have not met them and re-introduce for those of you who have met them. I will go by alphabetical order. Some members are here present and they will raise their hands. There are others who are present on the telephone by conference.

We have task force member Secretary Brent Adams who leads the State's Department of Financial and Professional Regulation.

We have task force member Dr. Damon Arnold who is the Director of the State's Department of Public Health. I believe he's on the phone.

We have Dr. Byron Brazier, Pastor of the Apostolic Church of God.

Mr. Cage -- Augustus Cage who is the president and director of Cage Memorial Chapels.

1 We have Mr. Willie Carter who is owner of the
2 Restvale Cemetery in Alsip, Illinois.

3 We have Mr. Lester Coney who since 2006 has
4 been the executive vice president of Mesirow Financial.

5 We have Mr. Michael Kotzin who is executive
6 vice president of the Jewish United Fund and the Jewish
7 Federation of Metropolitan Chicago.

8 We have task force member William McNary who
9 has been the co-director of Citizen Action Illinois since
10 2000 and the president of U.S. Action since 1999.

11 We have task force member Dalitso Sulamoyo who
12 has been the president and CEO of the Illinois Community
13 Action Association since 2001. Mr. Sulamoyo will be
14 participating via telephone, I think, as will Mr. Arnold.

15 And we have task force member Andrea Zopp who
16 since 2008 has been the vice president and general
17 counsel of the Exelon Corporation.

18 We have several legislative ombudspersons to
19 our task force: Appointed by the President of the Senate
20 is Senator Emil Jones, III who represents the 14th Senate
21 District of Illinois; appointed by Senate Minority Leader
22 is Senator Randy Hultgren who represents the 48th Senate
23 District of Illinois; appointed by House Minority Leader,
24 Representative Dan Brady who represents the 88th House

1 District of Illinois; and joining us is Representative
2 Monique Davis who represents the 27th House District of
3 Illinois and Representative Ken Duncan who represents the
4 5th House District of Illinois.

5 As you all know, on July 16th Governor Quinn
6 signed Executive Order 16 which formed this task force.
7 The task force was formed in the wake of the recent
8 tragic events at Burr Oak Cemetery which have highlighted
9 a deficiency in our current mechanisms for regulating and
10 overseeing the operation and management of cemeteries.

11 Our mission is by September 15th to conduct a
12 comprehensive review of Illinois's present structural
13 arrangements for regulating cemeteries and the
14 circumstances surrounding the recent tragic events at
15 Burr Oak.

16 Second, our responsibility is to submit a
17 report of findings to the Governor and to the Secretary
18 of the Department of Financial and Professional
19 Regulation. The report will provide detailed
20 recommendations on policies, laws, rules and regulations
21 that should be implemented to ensure that the deceased
22 are cared for in a humane and respectful manner.

23 We have one more meeting scheduled for
24 September 10th. The task force will meet here at 2:00

1 p.m. on September 10th.

2 Following on September 15th at 12:30, we will
3 meet here and present our final report to the Governor.

4 Today we will call witnesses to testify. These
5 witnesses are individuals who have indicated their desire
6 to testify previously.

7 If you are present, and have not previously
8 given notice that you would like to testify, please do so
9 by talking to our representative who will take your name
10 and let us know -- let us know that you desire to
11 testify. Because we have so many individuals who wish to
12 speak today, and the panel would like to ask questions,
13 we will try to strictly adhere to a 10 to 15 minute
14 presentation so that we have enough time for questions.
15 So please be mindful of the time restraints.

16 Our schedule today is as follows -- and our
17 representative is in the back. Can you raise your hand?
18 If you'd like to speak and you have not previously let us
19 know, please see her in the back.

20 Charles Childs, owner and director of A.A.
21 Rayner and Sons Modern Funeral Service; Wayne Straza,
22 Former Director, Illinois Comptroller Cemetery Care and
23 Burial Trust Department; Lou Rago, President, Rago
24 Funeral Homes; and Ronald Bauer, Geographic Information

1 Systems. That's our list for today.

2 Our first witness will be Mr. Childs.

3 Mr. Childs, I thought I saw you. If you could step
4 forward.

5 Thank you very much.

6 MR. CHILDS: First of all, I have to thank everybody
7 and I want to hand this to Secretary Adams directly
8 himself. This is some of the records that you've
9 compelled us to provide to you.

10 SECRETARY ADAMS: It's not full.

11 MR. CHILDS: It could have been full. I thought
12 some of the financial records you might have requested
13 would be more help than a lot of paperwork.

14 SECRETARY ADAMS: Thank you very much, sir, for
15 providing the information.

16 MR. CHILDS: Absolutely. You're welcome.

17 HONORABLE HOLMES: Okay. Thank you.

18 MR. CHILDS: Well, as far as the community is
19 concerned, obviously Burr Oak Cemetery is still closed.
20 We still have families that are trying to bury at Burr
21 Oak Cemetery. We've had an opportunity to meet with the
22 receiver, Mr. Szabelski. He was kind enough to give me a
23 tour of the facility, and I must say that like most of
24 you all, I'm quite shocked at what happened out there

1 happened out there and hadn't been observed by any of the
2 authorities that say they visited the cemetery. It gives
3 me a great deal of concern that I think when we last met,
4 I think Representative Davis and you, Representative
5 Brady, inquired about what the Comptroller's office was
6 doing when they were out there, and it does appear to me
7 that they certainly didn't get out of their vehicle to
8 walk around, and that saddens me a great deal.

9 Mr. Szabelski has told us that right now the
10 cemetery is closed, that there are no funds to operate
11 the cemetery, that he's attempting to go to court to have
12 some of those funds removed -- released, and as of -- as
13 of today's date I guess they haven't been.

14 So we still have families -- as a matter of
15 fact -- we have only one case that's been deceased for a
16 few weeks, probably a month or two, who is still trying
17 to be buried at the cemetery. So we have that person
18 still housed at our funeral home.

19 We've also discussed some other things
20 regarding who from this point on might oversee the
21 facility. I know that he is doing the most and the best
22 that he can without any funds to operate the facility.
23 So we're still waiting. The information is coming rather
24 slowly, but we have to get it from the news just like

1 everybody else.

2 One of the suggestions that one of my
3 colleagues made regarding how we can better keep records
4 going forward is having the cemetery be responsible for
5 putting the location of the grave space on the permit. I
6 think that's really an excellent idea. It would -- do a
7 paper trail for those lots and those locations. I know
8 that in the past -- Mr. Carter might answer to this more
9 than I can -- that there used to be a position or a space
10 on the permit that allowed for the cemetery location on
11 the -- on the permit itself.

12 Mr. Carter, I think you used to forward that
13 information back to the Department of Health. I'm not
14 sure if the current -- well, the current one doesn't have
15 any space for that and might be reviewed to see if that
16 couldn't be done again.

17 MR. CARTER: Mr. Rayner, we still -- The grave
18 location is mailed out to the funeral director and also
19 to the Department of Health. Our vital statistics, I'm
20 not sure, but I know we mail a grave location to the
21 funeral director. We make that location available to the
22 family within 48 hours after the burial. I agree that
23 there is no space on the permit for the grave location,
24 but we write the location on the permit anyway. But we

1 only get the copy that the cemetery is supposed to keep,
2 and the other two copies I think is kept with the funeral
3 home. I'm not sure. But we don't receive a copy.

4 MR. CHILDS: Right. The old permit used to have
5 four copies. The current permit still produces four
6 copies, but we're only giving you one.

7 MR. CARTER: Right.

8 MR. CHILDS: But there used to be a location on the
9 permit for the grave location, lot number, grave number,
10 but not today.

11 HONORABLE HOLMES: Any other questions?

12 Representative Brady?

13 REPRESENTATIVE BRADY: Thank you, Ma'am Chair.

14 Mr. Childs, thank you for your testimony, and
15 being a funeral director myself, in talking about the
16 permit -- past permits I kind of want to look right now
17 what's going on and then to the future.

18 With electronic filing of death certificates
19 now just about in a situation where it's statewide, I
20 would think that the way of technology to be able to
21 insert somehow through the electronic side of things more
22 data regarding the exact location of the burial instead
23 of just the name of the cemetery and the town, et cetera,
24 that that would probably be something that, you know,

1 through the vendor that provides now electronic filing
2 for the State of Illinois that that should be something
3 that could be accomplished, and I think that would
4 certainly from this point forward at least help with more
5 exact recordkeeping of locations of burial space, grave,
6 lot, et cetera, et cetera. So certainly something that
7 we will pursue, especially as hard as we worked to try to
8 get electronic filing up and going. So thank you very
9 much.

10 One question. When you have the situation that
11 you do of an individual deceased at your funeral home
12 that you're holding for the purpose of awaiting interment
13 at, in this case, Burr Oak Cemetery, are you in a
14 situation where additional charges are going to families
15 for that --

16 MR. CHILDS: Absolutely not.

17 REPRESENTATIVE BRADY: I commend you for that, and
18 as a business person I understand also that you're only
19 in a situation where you can do that for a period of time
20 as you try and serve other families. So thank you for
21 that and to any of our colleagues that do the same. I
22 greatly appreciate that as I'm sure the families do until
23 this is sorted out. So thank you.

24 Thank you, Ma'am Chair.

1 HONORABLE HOLMES: Thank you.

2 Next?

3 MR. CONEY: Mr. Childs, again thank you for your
4 testimony. Just two quick questions.

5 Number 1, you talked about the one body that's
6 been almost over a month or so that you've been storing.
7 Can you help us just understand is there a typical time
8 how long you typically might keep a body?

9 MR. CHILDS: Typically no longer than a week.

10 MR. CONEY: So a week, and that's probably not just
11 your funeral home, but probably consistent?

12 MR. CHILDS: I would probably say that's on
13 average -- that's probably the high end average. Some
14 may just do it for a few days just as long as -- from the
15 removal of the location of death to the arrangements and
16 then to the cemetery for the interment. But this is an
17 extended amount of time.

18 MR. CONEY: So is there any such thing as a period
19 of time where a body could be stored at your funeral
20 home? I mean is there -- What sort of health hazard is
21 that? Could you have it there a year? Two months?

22 MR. CHILDS: No. I'm afraid it couldn't stay there
23 that long. We would definitely have some health concerns
24 by then. Obviously the condition of the remains is still

1 okay, but if it should prolong it anymore we have some
2 issues with either decomposition or obviously the odor.

3 MR. CONEY: Thank you. Just one other quick
4 question. You indicated earlier that the Comptroller's
5 office during their inspection it appeared to you that
6 most likely they were not -- they did not get out of
7 their cars. I was just wondering is there one or two
8 examples that you can share with the panel that help us
9 understand right away that gives you that impression.

10 MR. CHILDS: Well, with the help of Mr. Szabelski
11 and his tour of the facility, the section that's been in
12 question is one of the older sections, and I probably
13 haven't been to that particular section in 20 plus years,
14 and as soon as we got close to it, it was evident by the
15 high -- the height of the ground indicated to me that
16 something was wrong.

17 HONORABLE HOLMES: What do you mean by the height?

18 MR. CHILDS: I mean when you drive by the road and
19 most of the cemetery is flat, as is the road, and then
20 you see a mound that goes up maybe 8 feet tall.

21 HONORABLE HOLMES: What is your supposition when you
22 see that?

23 MR. CHILDS: I think that that's where they were
24 doing the things that they were doing.

1 HONORABLE HOLMES: Double burial?

2 MR. CHILDS: Absolutely.

3 MR. CONEY: Thank you very much.

4 HONORABLE HOLMES: Thank you.

5 Representative Davis?

6 REPRESENTATIVE DAVIS: Thank you.

7 That would have been more than double burial,
8 wouldn't it?

9 MR. CHILDS: Well, you know, it's quite possible,
10 Representative Davis.

11 REPRESENTATIVE DAVIS: If it's 8 feet tall I mean I
12 think --

13 MR. CHILDS: It's very possible.

14 REPRESENTATIVE DAVIS: -- more than 2 bodies would
15 be there so I think we'd call that something else. Maybe
16 that would be dumping?

17 HONORABLE HOLMES: Absolutely.

18 REPRESENTATIVE DAVIS: I really appreciate your
19 testimony. I heard Mr. Carter, the owner of Restvale,
20 state that 48 hours after the burial they submit to the
21 family the location of the plot, but after looking at the
22 testimony from downstate funeral directors or cemetery
23 owners, it appears that the family members know where
24 their person will be buried, you know, before the

1 funeral.

2 MR. CHILDS: Well, let me explain. If, for
3 instance, the family should go to the cemetery and have a
4 negotiation with Mr. Carter, I'm sure Mr. Carter would
5 provide them the location, the lot and the grave space.
6 What may typically happen up here is that we may do that
7 over the phone. Some families choose not to make a trip
8 to the cemetery just because they don't feel that they
9 can or that they want the funeral home -- the funeral
10 director to handle that for them.

11 So if I call Mr. Carter today, say, I have a
12 service scheduled for tomorrow, he will obviously prepare
13 the space for us, and then when we come to the cemetery
14 for the interment, we're led to that location. And then
15 what he means is that 48 hours after the interment, he
16 mails us a cemetery location card. We put that location
17 on our file, and then we forward that location card to
18 the family.

19 REPRESENTATIVE DAVIS: Do you think it might be a
20 better idea, and some have suggested it, that the family
21 be required to go to the cemetery?

22 MR. CHILDS: After all that's happened I think that
23 most of us strongly recommend that that's what they do.
24 You know, it puts us out of it to the point that if a

1 location is not desirable to the family then that's
2 something that they've picked themselves.

3 REPRESENTATIVE DAVIS: Another question I have. You
4 said you have one body that's been in your place quite a
5 while?

6 MR. CHILDS: Yes, ma'am.

7 REPRESENTATIVE DAVIS: And the people don't have the
8 money for a new cemetery or they refuse to go to another
9 cemetery?

10 MR. CHILDS: They want the remains to go where he
11 was intended to go because he's a lot owner. That family
12 has section -- that family has lots, and I think you
13 probably understand now the difference between a lot
14 section and a select single section or a nondeeded
15 section. This family is a lot owner, and they want this
16 loved one to be with the other loved ones. There have
17 been a lot of changes since this has happened.

18 REPRESENTATIVE DAVIS: Cemeteries pay taxes on their
19 property, is that correct? They don't.

20 MR. CHILDS: Cemeteries pay taxes --

21 REPRESENTATIVE DAVIS: Mr. Carter said they don't.
22 There's no state or county taxes or anything?

23 MR. CHILDS: Not to my knowledge.

24 HONORABLE HOLMES: Interesting.

1 Mr. Charles, do you mind if I take a look at
2 one sheet of your paper over there.

3 MR. CHILDS: No, by all means.

4 REPRESENTATIVE DAVIS: I want to look at one sheet.
5 Thank you very much.

6 Thank you, Ma'am Chairman.

7 HONORABLE HOLMES: Do you have other questions?

8 MR. CARTER: I just wanted to make a comment on the
9 fact that I know Mr. Childs mentioned he was at the
10 cemetery and it appeared that there was a mound of dirt.
11 That's not uncommon in cemeteries where they have to dump
12 the dirt from preparing or digging the grave. So they
13 may pick out a section in the cemetery, and it's not
14 uncommon to see areas where there are mounds of dirt.

15 And I also would like to correct my statement
16 in saying that within 48 hours we make the grave location
17 available to the family. It's been tradition that we
18 mail the grave location to the funeral home and the
19 funeral home will mail the location to the family.

20 MR. CHILDS: Correct.

21 MR. CARTER: In the past we haven't had a problem.
22 The family and cemetery owners that I've talked with
23 would prefer that the family comes to the cemetery to
24 make the final selection because we can show them the

1 area so that they hopefully will be satisfied with that
2 particular location and the charges that's made for the
3 location. It has presented a problem in the past,
4 although some families insist that they prefer to just
5 make the arrangements through the funeral home. We don't
6 have a problem with that. It's just that in the past
7 we've had families that come out later and say, you know,
8 I don't like this section. But if they choose not to
9 come then we are going to be confronted with that problem
10 in the future. I would prefer that families come to the
11 cemetery to make a selection.

12 HONORABLE HOLMES: Mr. Carter as well as Mr. Childs,
13 could the two of you being in the industry discuss
14 whether you believe that future legislation should
15 require -- not require the family to come to the cemetery
16 because they would have an option to go or not go, but
17 prohibit the funeral director from engaging in the
18 activity without the input of someone from the cemetery,
19 in other words, not allowing the family to put it off on
20 the funeral director to get the grave site and then
21 complain later forcing the family to either deal directly
22 with the cemetery or not have the input of their own
23 selection of the grave site, but definitely not forcing
24 the funeral director to be involved in that process. Can

1 you discuss what your viewpoint would be on that sort of
2 situation?

3 MR. CHILDS: Well, we're full service so we try to
4 service the family's need regardless of what those needs
5 might be. We think that some of the policies that have
6 been put in place with some of the cemeteries now
7 regarding the family to come out and sign the
8 authorization forms and see the location is good.
9 Whether or not it needs to be regulated or mandated is
10 probably something separate.

11 I think that with the current Senate Bill 1682
12 or 32 --

13 REPRESENTATIVE BRADY: 82.

14 MR. CHILDS: There's some things in there that I
15 have questions about, but I think that I'm glad the
16 Governor hasn't signed it yet until he's had an
17 opportunity to review the findings of this task force.

18 REPRESENTATIVE BRADY: The Governor amendatory
19 vetoed that yesterday to allow the date not to occur for
20 the bill to go into law until this task force and another
21 task force that I'm on --

22 MR. CHILDS: Has had a chance to commit their
23 findings.

24 REPRESENTATIVE BRADY: That's what I asked the House

1 of Representatives to do, but that's a whole other story.

2 MR. CHILDS: So, Honorable Holmes, I think that as
3 far as mandating a family to go out to the cemetery is --
4 I mean just some families just can't do it, I mean either
5 because they're grief stricken or they're disabled.

6 HONORABLE HOLMES: What about -- I understand that
7 part, but I guess what I'm trying to get at is, do you
8 think that there needs to be some provision in any future
9 legislation that would indicate that if you are going
10 to -- as a funeral director, if you are going to engage
11 in the activity that would pertain directly to the
12 cemetery, selecting the grave, selecting the plot, et
13 cetera, that there be some -- either some type of an
14 agreement between the funeral director and the cemetery
15 owner or operator or that there be some type of license
16 or some type of consumer protection so that the consumer
17 understands what your job is and what your
18 responsibilities are vis-a-vis what the cemetery owner's
19 job is and what their responsibilities are?

20 MR. CHILDS: Absolutely. If there is a definite
21 separation of what our responsibilities are -- I've never
22 selected a grave space for a family. I've always let the
23 cemetery do that, I've never done that, but obviously
24 I've called and made the order or got the process rolling

1 so that a family may not have to go out there. And it's
2 different if somebody is a lot owner when all you have to
3 do is just give the cemetery the lot information and they
4 open up that lot, compared to somebody that hasn't had a
5 space or a burial in that location and is brand new to
6 it. I think they're the ones that really need to go out
7 and see for themselves prior to our interment.

8 HONORABLE HOLMES: Mr. Carter, would you want to add
9 anything?

10 MR. CARTER: I agree with Mr. Rayner. I think that
11 more and more families now are going to the cemetery to
12 finalize the arrangements. Whether we need to mandate
13 that, I'm not sure if that's a good policy because I
14 think again families insist that they want to finalize
15 the arrangements through the funeral home.

16 We have implemented certain agreements here
17 where the family would have to sign an authorization and
18 the grave location is placed on that document, and we
19 also have it notarized. So I'm not sure if that's a good
20 thing as far as mandating that the family come to the
21 cemetery.

22 REPRESENTATIVE DAVIS: Ma'am Chairman?

23 HONORABLE HOLMES: Yes.

24 REPRESENTATIVE DAVIS: I think that that's an

1 excellent process where the family signs that they choose
2 not to, but I don't think that's standard procedure.
3 Perhaps some, you know, just say I don't want to go and
4 that's the end of it, but to have them sign a document
5 stating they don't want to go I think protects the public
6 and let's us know that at least they were given the
7 option and the opportunity.

8 I'm not going to read any of the information
9 you have on your sheets, but I think it's really
10 interesting that we have the cemetery, the location and
11 the plot, but they're not listed, just the cemetery is
12 listed. So is this a form that your department, your --

13 MR. CHILDS: That was a form that was actually
14 provided by Burr Oak Cemetery. What we tried to do is
15 whenever there was a family that came in to inquire about
16 what information we had, whatever information we were
17 able to retrieve for them we would put on the forms
18 similar to that and give it to the family.

19 REPRESENTATIVE DAVIS: You used this for all your
20 ceteries however?

21 MR. CHILDS: Just since all this happened, no.
22 That's kind of new. What we've done obviously is to just
23 record the information for the family.

24 REPRESENTATIVE DAVIS: From information you already

1 had. You did it to get to Mr. Adams what he requested,
2 is that correct?

3 MR. CHILDS: Correct.

4 REPRESENTATIVE DAVIS: But I think it's good that
5 you have on here where the burial plot is.

6 MR. CHILDS: Yes.

7 REPRESENTATIVE DAVIS: Because really that's why
8 we're here.

9 MR. CHILDS: Exactly.

10 REPRESENTATIVE DAVIS: Because people are finding
11 that their relatives are not where they were supposed to
12 be.

13 So thank you very much.

14 MR. CHILDS: Correct.

15 HONORABLE HOLMES: We have two more questions then
16 we're going to move to our next witness.

17 Dr. Brazier had a question first and then
18 Representative Brady.

19 DR. BRAZIER: Good afternoon.

20 MR. CHILDS: Good afternoon, Pastor.

21 DR. BRAZIER: Just one question because I've heard
22 some questions and some answers, and I don't believe we
23 want -- if we're going to do a legislation we want
24 ambiguity, and it sounds like there's an issue between

1 whether a family wants to go or not go to the cemetery.
2 But if you do legislation, you can't be ambiguous that
3 allows you either to go or not go.

4 Are you -- which side of the -- do you fall on
5 if you're going to have legislation, should they go to
6 the cemetery --

7 MR. CHILDS: Absolutely.

8 DR. BRAZIER: -- and make the arrangements with --

9 MR. CHILDS: Absolutely.

10 DR. BRAZIER: Thank you.

11 HONORABLE HOLMES: Representative Brady?

12 REPRESENTATIVE BRADY: Thank you very much,
13 Ma'am Chair.

14 On that subject which I have interjected before
15 at the task force hearings that this has come up, we need
16 to be very cautious about painting the entire state one
17 way. In my particular area things are done differently
18 with some of the cemeteries, especially some of the
19 smaller country cemeteries, but I think something that
20 can be accomplished very easily is that at the time of
21 arrangements, whoever the next of kin is or whoever the
22 funeral home would deal with, would just simply have to
23 sign off and initial whatever that the funeral home
24 advised them that in their best interest they suggest

1 that they go to the cemetery, inspect the grave space
2 themselves. If they choose to do that, fine. If they
3 choose not to do that, an appropriate box is checked on
4 the form. So the burden of proof would be then on the
5 family, you chose not to go, you were advised, under
6 Illinois law I have to advise you that you should go to
7 the cemetery to inspect that grave and meet with the
8 cemetery officials.

9 Sometimes in my area though you have situations
10 where the sextons have other professions and it's a small
11 little country cemetery and most families don't want get
12 together at 8:00 o'clock at night at a cemetery to look
13 at a grave after they just lost their child or something
14 along those lines. We have to be very sensitive of that,
15 but I think we can find some common ground with those of
16 us that are in the profession.

17 Thank you.

18 DR. BRAZIER: One last comment. Going back to the
19 Representative's comment where I can agree if, in fact,
20 we are going to move to a point where we license -- where
21 the individual people at the cemetery are licensed, then
22 this option needs to be looked at very carefully as to
23 whether you check off a box and then you say -- because
24 that can be again ambiguous, I didn't know what I was

1 checking, I didn't know what I was doing and you still
2 haven't fixed the issue.

3 REPRESENTATIVE BRADY: I agree.

4 HONORABLE HOLMES: Thank you so much. We really
5 appreciate it. We realize you're taking time out of your
6 business to come down here, but it's greatly appreciated.

7 MR. CHILDS: Thank you.

8 HONORABLE HOLMES: Thank you. We'll now hear from
9 Wayne Straza, Former Director, Illinois Comptroller's
10 Cemetery Care and Burial Trust Department.

11 MR. STRAZA: Good afternoon, Ma'am Chair,
12 distinguished members of the task force.

13 My name is Wayne Straza. Currently I'm chief
14 of enforcement administration with the Department of
15 Professional Regulation. When this debacle first took
16 place I reviewed some of the papers, as everybody did,
17 and I came to Secretary Adams and I told Secretary Adams
18 that, of course, I had been with the department for ten
19 years, but in another life under then State Comptroller
20 Lolita Didrickson, I was her director of Cemetery and
21 Burial Trust Department, and with that we moved on, and I
22 said any way, shape or form I can be of help or
23 assistance, I'd be happy to contribute to this
24 distinguished panel, but, more importantly, to the people

1 that are affected by this.

2 It's terrible the way it took place. Could it
3 have been prevented? One never knows because, do you
4 respond to one complaint, do you respond to 30 complaints
5 of inappropriate actions taking place? The agency may be
6 regulatory, but yet at what point do we want to move in
7 the realm of enforcement across the board?

8 We have statutes present. I can't comment upon
9 what was done or what is done today, but under
10 Comptroller Didrickson, we had one of the most effective
11 programs going. There were hundreds of individuals, we
12 found disparities and discrepancies, many from just a
13 simple phone call.

14 Cemeteries are so often -- people are concerned
15 with cemeteries because of the maintenance and care of
16 that particular entity. Memorial Day, Mother's Day,
17 Father's Day, Fourth of July, Labor Day, the major times
18 at which time families go to the cemeteries, if the lawns
19 are not kept, if graves are left open, there are
20 indications that trust funds are not properly being
21 utilized, trust funds are not being spent, and if they're
22 not, where is it going because the funds are supposed to
23 be used for the care and maintenance and perpetual care
24 of that particular entity, not for salaries, equipment,

1 machinery or anything else.

2 We went from southern Illinois to central
3 Illinois to northern Illinois where cemeteries were
4 buying up farm land and they were developing the farm
5 land into cemetery property but then developing the
6 nonproductive property to develop million dollar homes.
7 We found that he paid \$2500 for an acre of farm land and
8 was taking anywhere from 110,000 to 125,000 out of the
9 trust funds as his portion of profits to develop the one
10 acre parcels of property. We took him to court. He had
11 to set up a payment plan and paid back within a 3 year
12 period of time. That was Lake County.

13 We got a call from the Edwardsville Police
14 Department that a cemetery and funeral director was
15 double selling plots and he failed to deliver a headstone
16 and they were going to do a direct indictment with the
17 State's Attorney. It turned out the headstone he was
18 failing to deliver was for the chief of police's mother.
19 Yes, they got attention.

20 We went down, we did a forensic audit of that
21 funeral home and cemetery. We ultimately found
22 violations. We fined him \$85,000. He came back and
23 laughed at the Comptroller, said you can't collect. You
24 got to go through the AG. We said, fine.

1 We took it to the Attorney General, but we went
2 one step further. In furtherance of the community and
3 what takes place, we took it to court. The judge ruled
4 with us. We took his business and we put the business
5 and property in receivership. Until he paid the fine
6 there was a court order to stay off the property or he'd
7 be arrested for criminal trespass. The last day of the
8 sale of Forest Home Cemetery out of bankruptcy in Forest
9 Park, Illinois we still couldn't find where 9-and-a-half
10 million dollars of trust funds were. We stopped the sale
11 out of bankruptcy. Nine and a half million dollars is
12 how much for every cemetery plot? We found 3 open graves
13 while we were doing the cursory review of the property.

14 Our auditors at that time were told you will
15 make a cursory exam of the cemetery property prior to
16 doing your audit. Those are the indicators. We come
17 back if there are shortfalls, then it depends on the
18 particular individual how you want to proceed regarding
19 enforcement. What we did changed four statutes and
20 ultimately gave the Comptroller subpoena power.

21 How are management styles handled?
22 Differently. Once again the sad part is those that can
23 least afford to be affected are those that are affected
24 today.

1 HONORABLE HOLMES: Thank you.

2 Questions? Start down there.

3 REPRESENTATIVE BRADY: Thank you very much. How do
4 you spell your last name?

5 MR. STRAZA: S-T-R-A-Z-A.

6 REPRESENTATIVE BRADY: Thank you very much for your
7 testimony. Couple questions.

8 When you were the director of the Illinois
9 Cemetery Division under the Comptroller, how big was your
10 staff at that time? How many people, investigators or
11 staff members? How many did you have?

12 MR. STRAZA: We had probably 40 individuals.

13 REPRESENTATIVE BRADY: Four, zero?

14 MR. STRAZA: 40 counting office staff.

15 REPRESENTATIVE BRADY: You indicated it ranged how
16 you responded to complaints, is that correct? In other
17 words, you may go out, you may do different things,
18 depends on what the nature of the complaint was?

19 MR. STRAZA: There were different schedules for
20 doing the audit process. A lot of it had to do with the
21 amount of money in trust funds. Those over -- under
22 50,000 were done every second or third year. Those over
23 250,000 or 500,000 were done annually as far as the
24 audits. We had -- the key there was to ensure that the

1 trust funds -- the corpus of the funds remained whole.

2 REPRESENTATIVE BRADY: Do you -- I know you haven't
3 been the director for a number of years, but do you have
4 any idea on an average yearly basis how many complaints
5 that division under the Comptroller's office at your time
6 would have received?

7 MR. STRAZA: Hundreds.

8 REPRESENTATIVE BRADY: Hundreds a year.

9 MR. STRAZA: Most everything had to do with
10 maintenance of a cemetery or the fact they were not
11 delivered something in a timely manner like a headstone
12 or monument.

13 REPRESENTATIVE BRADY: I just want -- with your
14 knowledge and see if you can make sure that I am clear,
15 that under the Illinois Cemetery Care Act that there's
16 the fiduciary responsibility, there's the trust side of
17 things in the Act that you're responsible for the way the
18 law is written now, but also you are the -- you were the
19 individual responsible for lots, graves, crypts and
20 niches, private mausoleums, memorial markers or monuments
21 in the cemetery, that falls under your jurisdiction, does
22 it not?

23 MR. STRAZA: That was all ultimately part of the
24 audit process as well.

1 REPRESENTATIVE BRADY: So to be clear, the
2 maintenance and care of a cemetery falls under that Act?

3 MR. STRAZA: The care does, yes.

4 REPRESENTATIVE BRADY: Thank you very much.

5 HONORABLE HOLMES: Questions?

6 SECRETARY ADAMS: Thank you, Mr. Straza, for
7 volunteering to testify today.

8 There's been a lot of focus on the symbolic
9 issue of whether the person got out of the car or not in
10 the course of their tour of the cemetery. Would your
11 cursory review, as you described it, involve getting out
12 of the car?

13 MR. STRAZA: If it so warrants. If the grass is 2
14 feet tall, no, you don't have to get out of the car
15 because you see it's not being maintained. If you go
16 through an area that's dug up and there hasn't been
17 business in that particular area, yes, I would surmise,
18 and I would hope, that the person doing that inspection
19 would look at it, go to the map of the cemetery, because
20 you also have to do a random selection of contracts with
21 that particular audit, and see what in fact is taking
22 place. Those are basic indicators.

23 HONORABLE HOLMES: Representative Davis?

24 REPRESENTATIVE DAVIS: Thank you very much for being

1 here. I know Lolita. How is she? I served in the
2 General Assembly with Lolita Didrickson before she became
3 Comptroller. How is she?

4 MR. STRAZA: She is doing very well.

5 REPRESENTATIVE DAVIS: Tell her Monique said hello.

6 I'd like to know, are there rules in some
7 cemeteries against standing headstones?

8 MR. STRAZA: What they have done is they have
9 recently made rules regarding headstones and they only
10 want the flat headstones in many of the cemeteries today
11 because it's a time factor. It takes a lot less time to
12 do the maintenance and cut the grass if everything is
13 ground level and flat. Those that are currently standing
14 they let stand. We used to receive complaints about
15 vandalism. We had complaints regarding Springdale
16 Cemetery in Peoria, Illinois, and sometimes Springdale is
17 a constant. They were missing four Civil War canons that
18 were stolen out of the cemetery. You remember that?

19 REPRESENTATIVE BRADY: I do.

20 MR. STRAZA: Then I had to deal with Representative
21 Leach at that point in time. So there are different ways
22 in which you can --

23 REPRESENTATIVE DAVIS: The reason I ask, Mr. Straza,
24 is Cedar Park is also owned by Burr Oak, and I visited

1 that location recently, and I noticed that they have
2 absolutely no standing headstones, which I thought was
3 highly peculiar, and even though the head -- what they
4 have, they're flat, the grounds are poorly, poorly kept.

5 My final question is, if you didn't receive
6 money from a cemetery for an entire year, what would your
7 thought be and what would your actions be? Because I
8 understand in 2007 Burr Oak did not turn in any money to
9 the Comptroller.

10 MR. STRAZA: Well, I would think that's a basic
11 indicator that there is, at the very least, some type of
12 fraud issue taking place.

13 REPRESENTATIVE DAVIS: Would you have done -- would
14 you have done anything? I mean would you have said, are
15 they closed --

16 MR. STRAZA: Me personally?

17 REPRESENTATIVE DAVIS: Is there any red flag that
18 would have hit you as Comptroller?

19 MR. STRAZA: I can't speak for the current
20 Comptroller.

21 REPRESENTATIVE DAVIS: I'm not speaking of him. I'm
22 just saying in general.

23 MR. STRAZA: Yes, there is because you have an
24 ongoing entity, you've got an ongoing business, and if

1 they're not taking in money, then what they are doing to
2 further perpetuate not only the care but the business
3 itself? You're dealing with not only the members of the
4 community but a business in that particular community.

5 You brought up, Representative Davis, in the
6 past about people visiting cemeteries. I believe now the
7 current average is between 3 and 5 times families will
8 pay a visit in a lifetime after a person is deceased. So
9 there are questions. My own uncle went every day of the
10 year for 20 years after his daughter was killed in an
11 accident. It varies from person to person, family to
12 family, but if you have an ongoing entity as you say with
13 Burr Oak, and you have streams of people being buried
14 there and there is no business that is taking place, that
15 is more than a red flag.

16 REPRESENTATIVE DAVIS: You know, it used to be years
17 ago in the African American community where it was just a
18 family ritual that you went to the cemetery on Memorial
19 Day and that you took flowers and flags and that you
20 celebrated -- I won't say celebrated -- but memorialized
21 afterwards with your family, you know, and that was on
22 that person's birthday, but it was definitely on Memorial
23 Day.

24 MR. STRAZA: In some communities families have

1 picnics at cemeteries.

2 REPRESENTATIVE DAVIS: Yes, they do.

3 MR. STRAZA: There was a move afoot shortly after or
4 prior to Lolita leaving where she and State Treasurer
5 then Judy Barr-Topinka brought up doing bike paths that
6 would connect certain cemeteries, and not only have the
7 bike paths but make some of the cemeteries into passive
8 parks to bring the families back to the loved ones.

9 REPRESENTATIVE DAVIS: I think one of the reasons,
10 probably a minor one, that prevented people from
11 continuing that tradition was many people were rushed out
12 of the cemetery, you know, you have to leave, you can't
13 stay or you can't bring fresh flowers, you know. There
14 became all kind of deterrents as well as people not
15 wanting to follow the tradition of family.

16 I thank you for your testimony.

17 MR. STRAZA: Thank you very much.

18 HONORABLE HOLMES: Dr. Brazier?

19 DR. BRAZIER: Just a couple questions. One is that
20 you opened with some understanding about measurements,
21 you know, when do you begin to investigate, so forth and
22 so on. If that be the case, I'm under the impression
23 that you believe that there should be greater
24 legislation. Am I correct in that?

1 MR. STRAZA: I believe so. There's also a common
2 sense aspect to some of these items and issues. If you
3 have a complaint that a person says I bought -- we had to
4 buy my dad's plot twice, well, you don't need 14 of those
5 phone calls before you go out and you act and you want to
6 send somebody out there.

7 DR. BRAZIER: The reason why I brought it up is that
8 there was another person giving testimony a couple of
9 meetings ago who brought in articles on this Southtown
10 and so forth and so on where they had pictures of bones
11 coming up out of the ground and things of that nature
12 which would tend to have you think that there is a
13 systemic issue that needs to be addressed, it's not just
14 a one -- do I ask for or do I answer one issue or this
15 one, and then given that yes, there's a comptroller but
16 then they also report to the police, they report to this,
17 and there appears to be no single place for the
18 collection of issues, there seems to be in a lot of
19 different places, but legislation should be -- if
20 legislation is done it should be --

21 MR. STRAZA: I think there also is certain
22 legislation, sir, regarding those bones popping up out of
23 the ground supposedly. There has to be some type of
24 desecration to the grounds. That's covered by the

1 statute. That can ultimately be a Class 3 or Class 4
2 felony also if it's found to be true. So thereby
3 somebody needs to step up to the plate, take the
4 particular initiative and move forward to whatever
5 enforcement that needs to be done.

6 DR. BRAZIER: But it doesn't appear that there is a
7 singular enforcement issue on cemeteries or how that is
8 done given what your current testimony is is that you
9 couldn't even -- you had to go to the IG, then you had to
10 go to the courts then you had to -- and then they had to
11 pay just a fine.

12 MR. STRAZA: No. We ultimately took a business away
13 from the person because of impropriety. It's a matter of
14 how far do we want to go to protect the public.

15 DR. BRAZIER: So you do agree on legislation?

16 MR. STRAZA: Yes, sir.

17 MR. KOTZIN: Thank you, sir, for being with us,
18 Michael Kotzin. I appreciate the chance to talk with
19 you.

20 Could you just -- perhaps you said this -- but
21 repeat the exact period of time when you were engaged
22 yourself.

23 MR. STRAZA: Approximately 1994 to 1998 prior to
24 coming to the Department of Professional Regulation.

1 MR. KOTZIN: So it's a good period of time. Again
2 your sense, as I took it, is that the matters you're
3 talking about are very widespread. Would you talk about
4 that?

5 MR. STRAZA: As great as the industry is, and as
6 great a travesty as we have here with Burr Oak, I don't
7 know that it is really that widespread. But there still
8 needs to be the very basics of enforcement across the
9 board. It's a matter of consumer protection, it's a
10 matter of protecting human dignity.

11 MR. KOTZIN: Would you say -- if this is a
12 comparison to make -- that you've talked about needing
13 both more regulation or certain kinds of regulation and
14 additional to what there is, and as you just said,
15 greater enforcement, would you evaluate which of those
16 needs is greater, or how would you talk about the
17 comparison?

18 MR. STRAZA: If you do the basic job and you do the
19 basic investigatory process regarding audits or whatever
20 else, everything else should fall in line. Okay. It's a
21 matter of someone having common sense and moving forward
22 with issues and making a very basic determination as to
23 in what vein do we want to move forward to be proactive.

24 MR. KOTZIN: So some additional regulation, but

1 certainly greater enforcement?

2 MR. STRAZA: Yes and, hopefully, if there is that
3 additional legislation, with no disrespect, hopefully, we
4 would get the money and personnel with the mandates as
5 well.

6 MR. KOTZIN: Thank you.

7 HONORABLE HOLMES: Mr. Carter?

8 MR. CARTER: Thank you, sir. In what areas would
9 you recommend legislation as far as the cemeteries are
10 concerned because there are laws on the books now -- I
11 feel personally it's as far as the laws not being
12 enforced.

13 MR. STRAZA: I can't comment on that. I don't know
14 what's happening today and what the procedures or policy
15 they have or utilize. But I believe that the laws --
16 there are laws that are currently on the books. With the
17 proper panel and the proper perusal of the current
18 statutes, it's a matter of then of what do you want to
19 do, do you want to regulate or do you want to regulate
20 and enforce as well. A combination of the above have to
21 take place. And sometimes when you pick a few of the bad
22 apples out, believe me, the word gets out throughout the
23 state and everybody starts to clean up their act.

24 HONORABLE HOLMES: Mr. Straza, do you know what the

1 fines that were collected were earmarked for? Do you
2 know what happened to that fine?

3 MR. STRAZA: I believe those fines went back to the
4 state.

5 HONORABLE HOLMES: Would you have a problem with
6 them being earmarked for future investigations?

7 MR. STRAZA: Not at all.

8 HONORABLE HOLMES: Representative Brady?

9 REPRESENTATIVE BRADY: Thank you very much.

10 To touch upon a couple things that I've been
11 active in, attempted to, we're talking about legislation,
12 and we can talk about the fact that we have up to 33
13 sections in statutes that are already on the books
14 regarding some of the things we're talking about here
15 today, but, in particular, especially for large,
16 aggressive pre-need sales cemeteries, I've long thought
17 that, and offered legislation, that those individual
18 cemetery salespeople, counselors, whatever the term is,
19 that those individuals should have some licensing
20 mechanism in which they have to follow through with
21 licensing testing, continuing education, much like my
22 license has to be.

23 What would your thoughts be about having
24 something along those lines?

1 MR. STRAZA: We can do whatever the legislature
2 mandates. Once again, it's a matter of following
3 through, doing the licensing. And let me make it -- let
4 me make another analogy.

5 It's like the current cemeteries. To my
6 understanding they're licensed once, and then they're
7 licensed in perpetuity until there's a sale or until
8 there's a change of board of directors possibly, and
9 there's nothing that comes forward into the office that
10 says we're renewing our license on an annual basis. It's
11 not a funding mechanism whereby the department would want
12 the additional funding. It's a matter of better
13 regulation.

14 REPRESENTATIVE BRADY: Your comment about the
15 licensing for the panel, just so they know, we've kind of
16 touched upon this, but the Comptroller's office license
17 to operate, like an umbrella license. They don't license
18 individual pre-need sellers --

19 MR. STRAZA: No.

20 REPRESENTATIVE BRADY: -- that interacts with the
21 public, and that's a very, very much a concern of mine.
22 The other area is also a question of trusting under our
23 trustee -- current trusting laws we have. A percentage
24 can be kept out from the cemetery from trust. Many -- I

1 don't know about many. That's incorrect. Some other
2 states have said what goes in trust stays in trust until
3 the time of need. Your thoughts on that.

4 MR. STRAZA: It depends upon what association you're
5 dealing with. The individual can come to you as a
6 funeral director and say, I want to have my particular
7 service not -- I don't want you to be my provider, I want
8 to move that. So if you're with the IFDA, for example,
9 you can have those funds removed for that particular
10 consumer, but as a funeral director, if you want to move
11 all of your funds that you have in trust with the IFDA, I
12 don't believe you can currently do that to reinvest.

13 REPRESENTATIVE BRADY: No, there's a variety of
14 reasons why you can't right now, but I'm talking about in
15 funeral side, there's the 5 percent. In the cemetery
16 side, it's different, the amount can be kept from trust.
17 The idea that what goes in trust stays in trust, the
18 thought concept is that at the time of need it's there,
19 there's no shortfalls is what I'm getting at.

20 MR. STRAZA: Exactly. Then the trust fund money
21 that's maintained in the cemeteries is what's used for
22 the perpetual care as well.

23 REPRESENTATIVE BRADY: Thank you.

24 HONORABLE HOLMES: Thank you.

1 Representative Davis?

2 REPRESENTATIVE DAVIS: Thank you very much.

3 What do you think about mandated reporting?

4 For example, with Burr Oak, people saw a bone and they
5 called the Alsip police. I think the Alsip Police
6 perhaps told the chief, policeman told the chief, but I'm
7 not sure anything happened beyond that. I mean there
8 were different people finding and seeing different
9 things, but it didn't seem to be any coordination of who
10 they were reporting to or what the results of those
11 reports were. It appears that sometimes absolutely
12 nothing happened and this is why it was allowed to go as
13 far as it did go.

14 So my thought is -- you know, like we have with
15 sex abuse, whenever sex abuse is -- even accused a person
16 of there has to be a list of people that this is reported
17 to and you are mandated to report that to them.

18 MR. STRAZA: I think, Ma'am Representative, that
19 this is something that speaks for itself, but at the same
20 token of time, when you have items of this particular
21 nation there has to be a special delineation of
22 responsibilities as well, and that has to be addressed
23 with the local authorities, law enforcement, so on, so
24 forth.

1 Currently you could have a pre-need sale that
2 takes place, there's a problem where the items are not
3 properly delivered or there's a sale of plots and the
4 plots have been sold to another entity, the person goes
5 to the cemetery, he doesn't have any recourse, he goes to
6 the authorities and the police department or State's
7 Attorney says, well, that's a contractual issue, that's
8 not a law enforcement issue.

9 Well, where is that line of demarcation between
10 the deceptive practice, okay, and then the Comptroller is
11 notified possibly that there's a violation because
12 they're not honoring pre-needs. Then who ultimately
13 steps up to the plate? I think there are enough things
14 in place that would highlight and outline what needs to
15 be done.

16 REPRESENTATIVE DAVIS: I hear a lot of people say
17 there are enough laws in place, but my personal feeling
18 is, if that were true, we would not need this task force.

19 MR. STRAZA: I agree.

20 REPRESENTATIVE DAVIS: And Burr Oak would not have
21 occurred.

22 Have you ever seen a sign on cemetery closed,
23 we're full?

24 MR. STRAZA: No, ma'am.

1 REPRESENTATIVE DAVIS: Have you ever known of one to
2 close?

3 MR. STRAZA: Yes.

4 REPRESENTATIVE DAVIS: You do. I mean because
5 they're full or other reasons?

6 MR. STRAZA: No. Some of the smaller cemeteries
7 will become abandoned. We had a situation north of
8 Edwardsville where -- Sunset Memorial Gardens I believe
9 it was, they were going to develop the properties, four
10 major corners off of I-57, there were only 20 some grave
11 sites, they were going to develop over it. We were
12 notified at that particular time. We got ahold of the
13 cemetery authority, the old board of directors, things of
14 that nature. They came to an agreement ultimately with
15 the people who had loved ones there and they moved them,
16 exhumed them, built a mausoleum especially for those
17 persons, and they came to their agreements rather than
18 just do it.

19 Once again, it's a matter of how you respond
20 and what you deem or feel may be necessary, and sometimes
21 the unnecessary stands out and jumps up the most that
22 becomes something that you have to deal with on an
23 immediate timeframe.

24 REPRESENTATIVE DAVIS: We seem to have a variety of

1 rules. For example, one cemetery allows double or
2 multiple burials in one plot and other cemeteries only
3 allow one burial in that particular plot, and it appears
4 to me that this varies all over the state.

5 For example, I was reading testimony from the
6 last week's hearing and it stated that a family could
7 decide that all of their members could be stacked in one
8 grave. Then there are other areas downstate where they
9 do not permit any kind of double or multiple burials. So
10 it would appear to me -- and you give me your opinion --
11 that we need some standards along these lines, because at
12 Burr Oak it appears there were double or multiple burials
13 without the permission or knowledge of the person who
14 bought the site.

15 MR. STRAZA: I think that gets back into the
16 regulation of the particular entity and looking with the
17 cursory reviews of contracts, so on, so forth to find out
18 what there is, what's being sold and how the property is
19 utilized, if it's in the best and highest use of the
20 cemetery property as well.

21 REPRESENTATIVE DAVIS: You don't think there should
22 be a standard for all cemeteries?

23 MR. STRAZA: There should be a standard, but then
24 that should also be left up to the family members,

1 especially with those that do cremations.

2 On an acre there are between 800 and 850
3 cemetery plots. For every plot there are realistically
4 six niches that can go for cremation sites. So you see
5 that there could be six cremation burials on one
6 particular plot that's owned. Now do we call that
7 multiple burial or are only we talking about those
8 persons that have not been cremated?

9 REPRESENTATIVE DAVIS: Thank you.

10 HONORABLE HOLMES: Thank you.

11 Last question.

12 REPRESENTATIVE BRADY: Thank you. Just briefly,
13 2007 I believe is the date that -- the year -- I'm
14 sorry -- that Burr Oak had problems with the trust fund
15 side of things that was reported. It's been documented
16 here.

17 The way I read the Illinois Cemetery Care Act
18 is that, if the findings were -- at that time that there
19 was problems with the funds -- insufficient funds, of
20 missing funds, speculation of that, the Comptroller's
21 Office is certainly empowered with the ability to take
22 the license if they find something, would they not be?

23 MR. STRAZA: After there's due process. They call
24 for the hearings, they bring forth the evidence. I

1 believe, as it was with us when I was there, we could do
2 the forensic audit. If it was found that everything was
3 okay, the comptroller would pick up the bill. If not,
4 they would be fined, and they would have to pay for that
5 particular forensic audit on their own as part of the
6 violation process. Yes, anything can be done, but only
7 after due process.

8 REPRESENTATIVE BRADY: In 2007 though when that was
9 being reviewed, investigated, whatever term you'd like to
10 use, would that possibly also be an opportunity to do an
11 onsite visit to a cemetery having that kind of degree of
12 difficulty?

13 MR. STRAZA: Very much so.

14 REPRESENTATIVE BRADY: Thank you, Ma'am Chair.

15 HONORABLE HOLMES: Mr. Carter?

16 MR. CARTER: Yes, sir.

17 What is the difference in a five crypt
18 mausoleum and double burial? I mean you're still burying
19 one on top of the other.

20 MR. STRAZA: The mausoleums are stackable. Those
21 are all separate entities from my understanding.

22 The double burial -- it's not uncommon to have
23 mom and dad together in a particular grave site. I mean
24 you can even do that at Lincoln National Memorial which

1 is a national cemetery.

2 I being veteran, if I pass on first, I can be
3 buried there, and I can ultimately have my wife buried in
4 the same particular site. The mausoleums are separate
5 and stackable.

6 MR. CARTER: And so are some of the containers that
7 they use now for interment.

8 MR. STRAZA: That is correct because I believe it's
9 still Wilbert Vaults that does some of those things
10 exactly, right. But when you start talking 3, 4, 5
11 persons and there is no rhyme or reason and there is no
12 casket involved possibly, then there are questions.

13 MR. CARTER: I'm not aware of any of those.

14 HONORABLE HOLMES: Thank you so much. We really
15 appreciate your time and effort here.

16 MR. McNARY: One question. Mr. Straza, I'm William
17 McNary with Citizen Action Illinois. First of all, let
18 me thank you for appearing here today and for your
19 testimony and the professionalism that you bring to -- at
20 least you brought to the Comptroller's office.

21 As I sit here, two things I keep bringing up
22 over and over again. I might as well bring them up to
23 you as well. The two things we have to understand is,
24 number 1, how can we restore Burr Oak to a place of

1 beauty where people can visit and honor their loved ones?
2 We've heard testimony from many people here, and, of
3 course, I myself have my first wife who died of cancer is
4 buried there as well. So that's one concern.

5 And the second concern is, how can we make sure
6 this never happens again?

7 So I talked to someone from the Funeral
8 Consumers Alliance and he suggested some things, and
9 while I have you here, I'd like to share some and to get
10 your honest answer on what are these things that are
11 needed and some of the things that already exist, et
12 cetera.

13 Do you think we should require all cemeteries
14 to survey their property in a standard way and to index
15 the survey maps against the sales records for plots?

16 MR. STRAZA: Yes. But could I further expound?

17 MR. McNARY: Yes.

18 MR. STRAZA: You need to have and know the basic
19 boundaries of the cemetery. When you had so many of
20 these national conglomerates that came and that bought up
21 cemetery property back 10, 15 years ago, you had Lowen's
22 Corporation out of Canada, SCI out of Houston, Texas,
23 they were paying 6, 7 times market value, but what they
24 were looking at, they were buying up -- SCI is the

1 largest owner of cemeteries and funeral homes in the
2 world. Some of the largest holdings are in Australia.

3 We need to know also they picked and chose some
4 of the cemeteries they wanted because of the
5 nonproductive land. They would come in develop that into
6 shopping malls, strip malls, and as soon as it was
7 developed it ultimately paid for their total purchase of
8 what they bought. Then everything else was just gravy.

9 MR. McNARY: Thank you for that.

10 Two, require the state office responsible for
11 regulating the cemeteries to audit a reasonable sample of
12 maps and sales records to detect inconsistencies.

13 MR. STRAZA: Yes, and recordkeeping is foremost, and
14 without the proper recordkeeping the rest of the process
15 is for naught.

16 MR. McNARY: Thank you.

17 Three, close loopholes that allow the nonprofit
18 or religious cemeteries to escape regulation. These
19 loopholes are sometimes abused by shell companies and
20 by -- who sell a great number of graves to the community.
21 Is there a policy justification for allowing consumers at
22 the nonprofit cemeteries to be -- to escape regulation?

23 MR. STRAZA: Nobody should escape regulation.

24 MR. McNARY: Have a couple more, then I'll be done.

1 Require cemeteries to give consumers printed,
2 itemized price lists including cemetery rules,
3 regulations. Funeral homes already do this, how about
4 cemeteries?

5 MR. STRAZA: They're supposed to do it now as
6 mandated by the Federal Trade Commission.

7 MR. McNARY: All right.

8 Bar cemeteries from requiring that consumers
9 buy only the cemetery vaults or grave markers. This is
10 like a bundling act that -- just that no one pays
11 attention to cemeteries so we should bar them from
12 charging financial penalties to consumers who buy outside
13 merchandise.

14 MR. STRAZA: Well, what they do -- they should not
15 be regulated that way. I mean that's part of, you know,
16 being an American and buying from whom you so choose at
17 the best price, whatever you may need it.

18 Even if you get an outside marker, the
19 cemetery, to my understanding, still maintains the right
20 to put in the slab to mount that particular marker or
21 monument. And you need to understand too, just like with
22 the vaults, a lot of times the vaults are sold by the
23 funeral homes, nothing wrong with that, but then the
24 cemetery doesn't have that little extra profit or margin

1 that -- that they look at.

2 MR. McNARY: Very helpful.

3 Lastly, this constructive delivery, this is
4 when a cemetery sells you a vault or headstone ahead of
5 time and considers it delivered and thus nonrefundable if
6 you change your mind. When they hand you a certificate
7 of ownership, even though they haven't ordered the
8 merchandise, do you think that that's something that
9 should be prohibited?

10 MR. STRAZA: Well, it varies because some of the
11 cemeteries do store the vaults so they've already taken
12 up the space, and, once again, that's a touchy issue.

13 A cemetery may store 50, 60, 100 vaults. Now,
14 at the last minute you're coming in and you're saying,
15 wait a minute, I want you to move it and I want my money
16 back. I don't know what type of business practice that
17 would entail.

18 MR. McNARY: Thank you so much.

19 MR. STRAZA: Let me make one other statement. You
20 mentioned about people coming to the cemetery. We had a
21 case regarding Forest Home Cemetery. My last statement
22 and I'll leave. It went before the federal judge and the
23 conglomerate came in and said, your Honor, you really
24 don't understand about cemeteries, he said, because

1 people don't come after their loved ones are passed away.
2 The average is one to twice in a lifetime. So who really
3 cares about the maintenance? And the federal judge says,
4 I do. My mother is buried there.

5 HONORABLE HOLMES: Thank you, very, very much. We
6 really appreciate your time and the information. It's
7 very, very helpful.

8 We would next like to here from Lou Rago of
9 Rago Funeral Homes.

10 MR. RAGO: It's Rago Brothers Funeral Home. Rago
11 Brothers.

12 HONORABLE HOLMES: Thank you very much for coming.

13 MR. RAGO: It's my pleasure. I welcome the chance
14 to see if we can help through this mess. So if you have
15 any questions, please fire away.

16 I have some -- I took some notes about things
17 that I heard. With regards to the recording of the
18 location of the grave, forget about the permits, forget
19 about everything else. Put the location of the grave on
20 the death certificate. It's filed in Springfield. God
21 forbid there's a question as to where that remains is, at
22 least the cemeterian can't say, you know what, we had a
23 fire and my permits are all destroyed. Put it on -- and
24 it's down in Springfield for a check. So that would be

1 my suggestion for that.

2 With regards to the funeral -- the first
3 funeral director that appeared here today, I understand
4 that there's a problem with regards to storing human
5 remains that families want buried at Burr Oak, and my
6 suggestion would be that there are cemeteries throughout
7 the state that have holding areas -- my suggestion would
8 be -- and my family owns 9 cemeteries besides the funeral
9 homes that we own. I would like -- and we have about --
10 I think about 25 crypts right now that are empty, not
11 sold, not waiting for interments or entombments. I would
12 be more than happy to let the owners of the graves that
13 are not being used at Burr Oak store their human remains
14 at no charge, and I'm sure that you could get a large
15 amount of cemeterians in the State of Illinois to
16 cooperate with that.

17 HONORABLE HOLMES: That's very generous of you.
18 Thank you.

19 MR. RAGO: I also agree with the representative who
20 says that there should be legislation with regards to
21 this pre-need trust. What goes in the trust should stay
22 in the trust, it should be never taken out until the
23 funeral director or the cemeterian delivers the goods.

24 You know, these large corporations have come

1 into the State of Illinois and have raped and pillaged
2 those trust funds. They've done it legally, but the fact
3 of the matter is, they've still done it. And I don't
4 think any money should be taken out of that trust until
5 you have -- until the death occurs and you have to
6 provide that service.

7 With regards to multiple interments, nothing
8 wrong with multiple interments. The reason why some
9 cemeteries don't do it is because they have a water table
10 that will not allow them to do it.

11 The Rago family has 24 graves in Mount Carmel
12 Cemetery, and we -- all of our -- all of our graves are
13 multiple interment.

14 REPRESENTATIVE DAVIS: Shouldn't the family know
15 about it?

16 MR. RAGO: Absolutely, the family should know about
17 it. It's a practical way of family saying, you know
18 what, we only have to buy one grave instead of two. I'm
19 not so sure that you could go 3 or 4 levels down, and the
20 problem you have that with Burr Oak is that they had
21 multiple interments with the left hand not knowing what
22 the right hand was doing.

23 REPRESENTATIVE DAVIS: I wanted to ask you, you said
24 you think the plot location should be listed on the death

1 certificate.

2 MR. RAGO: Yes.

3 REPRESENTATIVE DAVIS: So how would one know how
4 many people you're putting in that one plot based on
5 that?

6 MR. RAGO: It would be a matter of record. If
7 family has one grave in Burr Oak Cemetery in Lot 5,
8 Section 3, Grave Number 2, that's recorded now on the
9 death certificate, and the second time it's used it would
10 also be recorded on the death certificate. I don't know
11 if there's a computer program worthy enough to spit out
12 something if a third burial is made into that cemetery,
13 into that same plot, but at least you would have --
14 here's the problem -- one of the problems as I see from
15 reading in the papers. The problem that we now have with
16 Burr Oak is that the cemetery doesn't have the proper
17 records to go back to say Mrs. Jones was buried in this
18 grave, is she still buried in this grave, and if she's
19 not buried, where is she? Because we also have the
20 remains of two others in the same grave.

21 Now you could legislate until you're blue in
22 the face, you're not going to stop somebody who is
23 standing on the other side of a counter, and without the
24 cemeterian being there says, okay, here, you know, you

1 want that grave over there, it's going to be a thousand
2 dollars, and it's going to be \$600 to open the grave,
3 give me \$1600, when do you want your burial?

4 You're not going to stop someone from pocketing
5 that money and going home without the cemeterian knowing
6 about it. I just -- you know, the guy that owns the 7-11
7 has got the same problem. When he leaves his 7-11,
8 whoever is at the register could steal him blind.

9 As much as I see the need for some regulation
10 and a lot of enforcement, I'm not so sure you could
11 regulate against a thief behind the counter.

12 REPRESENTATIVE DAVIS: I think if you have enough
13 oversight and if you have people checking, just as they
14 do in 7-11, they've got cameras, they have got a security
15 guard watching, you know, it leads to some protection I
16 think.

17 MR. RAGO: Absolutely. But those cameras at 7-11
18 are not mandated by the State of Illinois.

19 REPRESENTATIVE DAVIS: That's true. We won't do
20 that.

21 MR. RAGO: There shouldn't be any -- in the opinion
22 of the Rago family there shouldn't be any development on
23 cemeteries. Cemeteries are sacred places of interments
24 of our families and our friends, and large corporations

1 that come in, they almost -- I hate to use the term, but
2 they scar the cemetery.

3 REPRESENTATIVE DAVIS: Should we mandate that they
4 be residents of Illinois?

5 MR. RAGO: Absolutely. They should mandate --
6 owners of the cemeteries in the State of Illinois -- half
7 of this mess that we're in now is because, you know,
8 you're talking to a kid -- you're talking to a guy that
9 started working for his dad in the funeral industry at 14
10 years old, and I have seen so many changes in this
11 industry, and the majority of them bad.

12 This is not an industry, whether it be the
13 funeral home or the cemetery part of the death industry,
14 it is not an industry geared for -- never has been -- for
15 large corporate structures. This is a very delicate,
16 sensitive business. We're dealing with the loved ones of
17 our families, and to have some CEO sitting in Canada or
18 down in Texas, or in this case Arizona, who probably has
19 never even walked in and looked at the books at this
20 cemetery that he owns, I just think -- I was talking
21 Mr. Straza before we came into the room. I said, I would
22 love to see the legalities of seeing if you could
23 regulate large corporations out of the State of Illinois
24 and have them all being run and owned and operated by

1 residents of the State of Illinois.

2 REPRESENTATIVE DAVIS: Or it's been suggested if
3 they do operate here they should have insurance to
4 protect the people who are, you know, being buried.

5 MR. RAGO: I don't know how that would affect -- I
6 would like on -- I just -- at some point in time we have
7 to step back and say how many more regulations can we
8 live with. There's an easy answer to all of this. First
9 of all, you know, Monday morning quarterback is great,
10 but you can't go back and say we should have -- we should
11 have been smarter than to allow these cemeteries to
12 come -- these corporations to come in from out of state,
13 but they're here now, and if we could wean them out of
14 here, that would be great because their bottom line is
15 not to care for the dead. Their bottom line is their net
16 profit at the end of the day.

17 HONORABLE HOLMES: How would you feel about a
18 corporation owning cemeteries in the state, corporations,
19 not family?

20 MR. RAGO: We've done that. We're a corporation
21 within the state. The reason why we're a corporation
22 within the state is because we wound up buying 9
23 cemeteries from Lowen which was in bankruptcy. We didn't
24 want 9 cemeteries, but the bankruptcy court said you have

1 to buy the whole bundle. I wouldn't mind giving up 8 of
2 those cemeteries or 7 of those cemeteries that are over
3 150 miles away from my office to give them to local
4 owners if we could -- if there was some kind of
5 regulation as to how to do it.

6 It's just -- we're in Chicago, and I have -- I
7 have a cemetery in Champaign. I trust the people that
8 work for me, but myself or my sons or somebody from my
9 family goes down there once a week, and that once a week
10 still leaves five more days when we're not down there. I
11 pray to God every day that the people that we have there
12 function and function well and function honestly, but
13 it's not in the business that I grew up. The business
14 that I grew up in when you pulled into a cemetery, the
15 owner of the cemetery was behind the desk. That's not
16 like that anymore. And that's a sad commentary on the
17 funeral industry today.

18 I'm a firm and avid proponent of having
19 families come to the cemetery to sign off. I've sat
20 behind a desk for over 35 years and made funeral
21 arrangements, and I will tell you that as bereaved as
22 that family might be, it is in their best interests to
23 have one of their family go to a cemetery to look at the
24 site that's going to be dug for the -- even if they own

1 the grave, even if they've pre-needed that grave, someone
2 from that family should go there to make sure that that
3 is the grave that's going to be dug.

4 I mean ten years ago I was sitting at Mount
5 Carmel Cemetery -- standing at Mount Carmel Cemetery
6 while the priest was doing the final rite, and a lady
7 came up to me and said, this is not the grave my brother
8 is supposed to be in. Now, Catholic Cemeteries is -- you
9 can't find a better run organization in the United States
10 than Catholic Cemeteries. It's a role model for anybody
11 and everybody who runs cemeteries. Somebody made a
12 mistake. But that mistake could have not happened if a
13 family member had gone out there, looked at the thing,
14 signed a piece of paper and said yes, this is the grave
15 that should be open.

16 Those are the notes that I took, and I'm more
17 than happy to answer any questions.

18 HONORABLE HOLMES: Mr. Carter?

19 MR. CARTER: Mr. Rago, thank you very much. You
20 share very important information, but you stated that we
21 should put the grave location on the death certificate,
22 and it's been my experience that most cemeteries do not
23 get a copy of the death certificate.

24 MR. RAGO: No, but that funeral director and

1 family -- when I call Mount Carmel, when I call Acacia,
2 when I call Irving Park, when I call a cemetery, they're
3 the first guys to say to me if they -- if the grave is
4 already owned by the family they say, yes, we have
5 Lot 14, Section 33, Block 10, Grave Number 1, that's the
6 grave we're going to be opening. I put that down on my
7 little envelope that I'm making funeral arrangements on
8 so I know that I've called to order the right grave
9 opening.

10 Now, Mount Carmel, Catholic Cemeteries will fax
11 us a document that they want the family to sign, but a
12 lot of cemeteries now will say have the family come out
13 and sign a document that says this is the grave that they
14 want open.

15 In any case, before that death certificate is
16 filed, at least three people know what the grave is. And
17 again, if the grave is pre-needed, many people come to
18 make those funeral arrangements and they have their deed
19 in their hand, and so I could simply put that down on my
20 death certificate that says Mount Carmel Cemetery,
21 Grave 4, Lot 13, Section 5 and it's there forever.

22 MR. CARTER: Do you have in any of your cemeteries
23 row burials?

24 MR. RAGO: We have no row burials.

1 MR. CARTER: Because in the smaller cemeteries where
2 we bury 80 percent or 75 -- 80 percent of Public Aid --

3 MR. RAGO: Which is no longer.

4 MR. CARTER: -- row burials. Sometimes it's
5 impossible for you to give a family a grave location the
6 day of the burial because they come out on Wednesday and
7 make arrangements with you and the service is due out on
8 Friday but you may have two or three other burials in
9 that same row. So what we do within 48 hours we will
10 assign a grave number and make it available to the family
11 that they can either call the cemetery, but we also mail
12 that grave location to the funeral home so that they can
13 give the family a copy of it.

14 MR. RAGO: I think in those instances, today with
15 electronic filing, that death certificate is not always
16 filed before the funeral anyway. So in those instances
17 that could be put on the death certificate anyways.

18 MR. CARTER: You mean the funeral home -- I'd like
19 to make sure --

20 MR. RAGO: The funeral home is the guy that's going
21 to file that death certificate. He is the guy that I'm
22 saying should be responsible to put the grave location on
23 that death certificate. I mean we're responsible for
24 everything except the medical portion of that death

1 certificate anyway. We're responsible to get that -- get
2 that information on there anyways.

3 HONORABLE HOLMES: Representative Davis?

4 REPRESENTATIVE DAVIS: Thank you, Ma'am Chairman.

5 I know that the state has required that funeral
6 homes list specifically what you're going to do, what the
7 cost of each thing is, is that correct?

8 MR. RAGO: Yes.

9 REPRESENTATIVE DAVIS: That is not required of
10 cemeteries, is that correct?

11 MR. RAGO: In the same manner of speaking, no, but,
12 you know, in the cemetery -- on the cemetery side of the
13 funeral industry there are only certain -- there's only 3
14 or 4 things they could do initially, buy a grave, open
15 the grave, put a cement liner in the grave, charge for
16 putting the cement liner in the grave and selling a
17 memorial marker. There's only five things that you could
18 do. I mean it's kind of --

19 REPRESENTATIVE DAVIS: It's still not listed with a
20 particular cost for each item, is that correct?

21 MR. RAGO: Yes. If you take a look at a cemetery
22 contract, we're required by law to break all of that
23 down.

24 REPRESENTATIVE DAVIS: So it is broken down. And

1 what law -- is this state law?

2 MR. RAGO: Yes.

3 REPRESENTATIVE DAVIS: I'll check with that,
4 Mr. Brady.

5 REPRESENTATIVE BRADY: Federal.

6 REPRESENTATIVE DAVIS: So what you're saying is
7 currently -- I know for the funeral because there was a
8 big fight when I went to the legislature about listing
9 exactly what you're spending on a funeral.

10 MR. RAGO: Absolutely.

11 REPRESENTATIVE DAVIS: My understanding is those
12 things were not required of the cemetery. So my question
13 is -- let me finish the question. When -- you're a
14 funeral director. When you contract, do you separate the
15 cost for the burial from the funeral or do you include
16 it?

17 MR. RAGO: At Rago Brothers Funeral Home?

18 REPRESENTATIVE DAVIS: Yes, sir.

19 MR. RAGO: We don't put anything on our statement of
20 goods and services regarding the cemetery. That's not a
21 Rago Brothers Funeral Home charge. We tell the family,
22 after we've notified the cemetery, they say, okay, we've
23 got the grave here, the cost of that grave is -- they
24 already own the grave, the cost of the opening is \$1500.

1 I tell the family have a check made payable to X, Y, Z
2 Cemetery for \$1500, you'll get your deed or your receipt
3 when you go to the cemetery. When I give the cemetery
4 their check, they give me a receipt that says \$1500 paid
5 for the opening of the grave of Mrs. Jones and I give
6 that to the family.

7 REPRESENTATIVE DAVIS: What else could be included
8 besides opening of the grave, closing of the grave?

9 MR. RAGO: Opening and closing are one in the same.
10 Okay. If the family doesn't own a grave at the time the
11 death occurs, then the family would be told the cost of
12 the grave, the cost of the opening of the grave and
13 whatever other piece of merchandise they decide to buy
14 from the cemetery. If they buy a vault from the
15 cemetery, that would be on there, but they would -- at
16 that time they would have a contract from the cemetery.

17 REPRESENTATIVE DAVIS: My understanding is a
18 multiple site purchase would be less than an individual
19 site purchase.

20 MR. RAGO: I'm not so sure I know what a multiple
21 site is.

22 REPRESENTATIVE DAVIS: It's where you bury more than
23 one person in one spot. If you're burying a lot of
24 people, 2, 3, 4 people in a spot, they're not related,

1 that that grave is cheaper.

2 MR. RAGO: Yes, it is.

3 REPRESENTATIVE DAVIS: So my question is, where is
4 that -- is it written someplace so that the consumer
5 would know I'm buying a multiple site grave?

6 MR. RAGO: Yes. I mean it -- we don't --

7 REPRESENTATIVE DAVIS: Is the consumer -- consumer
8 sees it and agrees to it?

9 MR. RAGO: Yes.

10 REPRESENTATIVE DAVIS: That's true for all
11 cemeteries?

12 MR. RAGO: Well, if the cemeterian is a legitimate
13 businessman, that is true for that --

14 REPRESENTATIVE DAVIS: We're here because some are
15 not. That's why we're here.

16 MR. RAGO: There are some car dealers that are not
17 legitimate.

18 REPRESENTATIVE DAVIS: Maybe they'll be next.

19 MR. RAGO: They may be. If you find five cars in
20 the same grave then you know you have a problem.

21 REPRESENTATIVE DAVIS: With the same license number.

22 MR. RAGO: You're asking me a question that --

23 REPRESENTATIVE DAVIS: You don't have to answer.
24 That's okay.

1 MR. RAGO: I know the answer, but we don't -- in the
2 cemeteries that we own we don't have that policy. We
3 don't have multiple burials unless they're the same
4 family.

5 REPRESENTATIVE DAVIS: I see. Okay.

6 MR. RAGO: That's a cemeterian's -- that's our
7 choice to do it that way.

8 REPRESENTATIVE DAVIS: That's how you operate?

9 MR. RAGO: Right.

10 REPRESENTATIVE DAVIS: Thank you very much.

11 HONORABLE HOLMES: Representative Brady?

12 REPRESENTATIVE BRADY: Thank you very much,
13 Ma'am Chair. I'll be brief.

14 Thank you very much for your testimony,
15 Mr. Rago. For the benefit of the panel, these gentlemen
16 referred to SCI, SCI is Service Corporation International
17 for those who may not know who we were referring to.

18 You indicated, family owned -- do you have a
19 combination cemetery, funeral home, any of this
20 family-owned business of yours?

21 MR. RAGO: No. We own a cemetery. I mean we own a
22 funeral home that's located on the cemetery, but the
23 cemetery is not ours.

24 REPRESENTATIVE BRADY: It's separate?

1 MR. RAGO: Correct.

2 REPRESENTATIVE BRADY: May be on the grounds.

3 You're a licensed funeral director and
4 embalmer?

5 MR. RAGO: Yes.

6 REPRESENTATIVE BRADY: You have to have continuing
7 education, do you not?

8 MR. RAGO: Yes.

9 REPRESENTATIVE BRADY: You have a disciplinary
10 review board that if complaints were filed against you
11 will investigate those complaints, do we not?

12 MR. RAGO: Yes.

13 REPRESENTATIVE BRADY: Are you presently on
14 electronic filing?

15 MR. RAGO: Yes.

16 REPRESENTATIVE BRADY: Thank you very much.

17 MS. ZOPP: Mr. Rago, Andrea Zopp. I just want to
18 make sure I understand. Do you say your family operates
19 some cemeteries?

20 MR. RAGO: Yes.

21 MS. ZOPP: At the cemeteries you operate -- I just
22 want to understand -- someone comes in, buys a plot. Do
23 you give them a contract that says here's what this is,
24 here's where it is, et cetera?

1 MR. RAGO: Yes.

2 MS. ZOPP: Then on -- at the funeral -- when they're
3 having a funeral you give them a contract that says,
4 here's what we are going to do whether going to be a
5 concrete mausoleum --

6 MR. RAGO: At the funeral home or cemetery?

7 MS. ZOPP: At the cemetery.

8 MR. RAGO: The cemetery -- that family would have
9 all that have before we pull -- before they pull into the
10 cemetery for the funeral service. They would have --
11 they would have a signed contract 2 to 3, 4 days before
12 that funeral takes place.

13 MS. ZOPP: Where do you keep those records?

14 MR. RAGO: We keep them on cemetery property.

15 MS. ZOPP: But you do all because of the way choose
16 to operate your business?

17 MR. RAGO: There's a law that -- State of Illinois
18 says we have to keep all the cemetery documents on the
19 cemetery.

20 MS. ZOPP: Right, but you don't have to create those
21 documents -- there's no law that says you have to create
22 the documents you create? In other words, what you do
23 you do because you do it for business practices other
24 than keep your records where you need to keep it?

1 MR. RAGO: No. The law says that we have to have a
2 signed itemized statement of goods and services for every
3 grave that we sell, every service that we -- every
4 service that we provide as cemeterians.

5 MS. ZOPP: Thank you.

6 MR. McNARY: I know you seem like -- Mr. Rago, thank
7 you again. I'm William McNary. I know it seems like you
8 may be answering the same question over and over again.
9 Let me ask it as well. It was my understanding just like
10 it was Representative Davis' understanding that the
11 funeral homes are required to give an itemized list of
12 goods and services but the cemeteries have somehow
13 managed to escape this standard, is that incorrect?

14 MR. RAGO: To my knowledge that is incorrect. We
15 have operated our cemeteries on the information that we
16 have to provide to every family that comes into our
17 cemetery a statement -- we don't call it a statement of
18 goods and services, we call it a contract. On that
19 contract even the amount of money that's going towards
20 perpetual care is on there.

21 MR. McNARY: Okay. Thank you.

22 HONORABLE HOLMES: Something you said intrigued me.
23 You gave an example of giving a check to the cemetery.

24 MR. RAGO: Yes.

1 HONORABLE HOLMES: You've given checks, you don't
2 collect cash for the cemetery portion of the services?

3 MR. RAGO: I could collect cash, but --

4 HONORABLE HOLMES: You don't mandate cash.

5 MR. RAGO: The funeral director is in a real funny
6 position. The funeral industry has placed themselves in
7 some real precarious positions over the last 3 or 4
8 generations, some of which I, as a third generation
9 funeral director in the family, have kind of weaned my
10 way out of.

11 There was a time my grandfather and my father
12 would on their funeral bill have the cost of not only the
13 funeral provided by Rago Brothers Funeral Home, they
14 would advance the money for the cemetery, advance the
15 money for the flowers, advance the money for the funeral
16 repast after the luncheon, advance the money for the
17 church or the minister and the organist, musicians. You
18 know, we had families walking out of our funeral homes
19 saying, dear Lord, those Ragos charged us \$7,000 for a
20 funeral. Well, our bill was \$3,000. There were \$4,000
21 worth of advances. We as a family business got out of
22 that area. We don't advance any money. We're not a
23 small loaning institution. As a matter of fact, in
24 today's day and age, you just can't wait that long to be

1 repaid at no interest. And so we stopped that. But
2 that's a Rago family policy.

3 So when we're making funeral arrangements, we
4 give a family an envelope that says cemetery, church,
5 flowers, whatever money they need the morning of the
6 funeral to pay. We say here, here's what you owe the
7 cemetery. Put a check in here for this amount of money.
8 Here's what you owe the church, put a check in there for
9 this amount of money. Here's what you owe for the
10 organist. Give that to us while -- when we go to church,
11 while your service is being done, we'll go into the
12 rectory, take care of your charges, we'll get you a
13 receipt. When we get to the cemetery, we'll do the same
14 thing.

15 HONORABLE HOLMES: But the question is, you're not
16 requiring cash?

17 MR. RAGO: We are not requiring cash. We're not
18 requiring anything. The cemetery is requiring the money.
19 We --

20 HONORABLE HOLMES: Are they requiring you to collect
21 cash?

22 MR. RAGO: No.

23 HONORABLE HOLMES: A check is good?

24 MR. RAGO: Check is good.

1 HONORABLE HOLMES: That's the question. Thank you
2 very much for your testimony. We really truly appreciate
3 all your time.

4 MR. RAGO: It is my pleasure.

5 HONORABLE HOLMES: Thank you so much. Next we'll
6 hear from Mr. Ronald Bauer Geographic Information
7 Systems. Is he here?

8 MR. BAUER: Thank you, Ma'am Chairman. Thank you
9 for asking me to be here this afternoon.

10 HONORABLE HOLMES: Would you spell your name for the
11 court reporter.

12 MR. BAUER: My name is Ronald Bauer, R-O-N-A-L-D,
13 B-A-U-E-R. I'm president of RB and Associates Land
14 Surveyors Incorporated out of Plano, Illinois. The
15 reason I'm here is I sent several of you some information
16 on a program that might be adaptable to cemeteries and
17 maybe help out some with recordkeeping and stuff.

18 What we are giving to you here is a quick
19 handout. I'd just like to quickly go through it. I know
20 we have a limited time span here, and actually this is
21 all set up to be run as a PowerPoint presentation, but I
22 know we have no time for that. I want to try to quickly
23 go through this.

24 Number one is page 2, here is introduction of

1 myself and Bill Swenson here to my right, that's one of
2 my presenters, and Noel Danielson is in the back to help
3 if necessary.

4 From what I've seen on the information on the
5 website and stuff that you are to be reviewing 760 ILCS
6 of the Cemetery Care Act, and what I'm looking at in
7 there is that cemetery authorities are required to file
8 in their office, map, delineate the lots and plots and
9 accordingly as your cemetery owners and funeral home
10 directors have been stating.

11 Currently we don't see in there where there's
12 anything requiring the recording of any land surveys of
13 subdivisions of the cemetery lots. I just wanted to see
14 that you are aware of that.

15 We did find some other statutory requirements
16 in reference to some cemeteries. 55 of the ILCS has to
17 deal with cemeteries also with your counties and stuff.
18 Trustees may cause any such grounds to be surveyed on
19 lots, streets, alleys and cause of plat of survey to be
20 made and recorded in the Recorder's Office of the proper
21 county. That one does specify to be made and recorded.

22 805 of the ILCS also has a Section 320/6 has to
23 deal with Cemetery Associations also. When any such
24 cemetery land is laid out, again has to be recorded in

1 Recorder's Office.

2 765 of the ILCS is the portion of the plat act
3 that the provisional land surveyors have to adhere to,
4 and what it basically states is, all boundaries and lots
5 that are platted and recorded must be monumented
6 accordingly for retracement so somebody can find out
7 where it's actually at if the lots are plotted.

8 So just a couple of backgrounds we saw in
9 there.

10 Just wanted to also mention whatever
11 recommendations you do make to the Governor and the
12 legislature is hopefully they are in conjunction with
13 some of the other acts that we're already bringing to you
14 and so we don't have conflicts and so forth. So look at
15 both sides.

16 We go to page 6 here. As we've seen here, a
17 cemetery board or owner should provide and maintain
18 permanent burial site records. We believe GIS can help
19 achieve this goal as I'm hopefully going to bring forward
20 to you.

21 Page 7, GIS as many people don't realize what
22 it is, it's geographical information systems. It's a
23 computer program mapping situation that captures, stores,
24 analyzes, manages all kinds of data.

1 One of the other things I'll mention quickly
2 later, is GPS. I think everybody pretty much knows what
3 GPS is so we won't get into that.

4 Page 8, the third item down the line, we
5 believe GSI provides a user-friendly way to require and
6 maintain pertinent information such as location, names,
7 dates and family information to reduce time and
8 ultimately cost of any recordkeeping.

9 Page 9, skipping down to second one, this whole
10 program the way it is developed we've created ourselves
11 here can be implemented in many stages, doesn't have to
12 be all at once, it can be little bit this year, little
13 bit next year, keep adding to it. It can be very easily
14 modified to comply with any change or requirements made
15 or mandated by statute or law.

16 Number 10 was just a basic map of a cemetery.

17 Creating a base map is what's this is all based
18 on. A base map would be compiled from recorded cemetery
19 plats, or if they're not available, be other wall maps
20 that the cemetery may have. We may be able to scan them
21 and trace them and generate a map in that manner. If
22 neither is available, full survey would then probably be
23 needed to locate the boundaries and all of the lots and
24 streets and alleys as been discussed by some of the other

1 speakers before me.

2 At the same time, that completed survey can
3 then be used to do all of this GIS work, create a plat
4 for recording at the Recorder's Office and still become
5 the wall map for the posting or available to the public
6 to view.

7 Second part of this is the database
8 information. We would use existing database information.
9 If somebody did have database, we could import that. It
10 sounds like majority of them are talking about they have
11 a card system. We would create a database using whatever
12 available records that could be available to put it into
13 one. Of course, if there's no records or anything
14 available, then we'd have probably have to help somebody
15 create a database to be able to say -- by the information
16 of the headstones where are they located and place them
17 on the map and stuff accordingly.

18 Everything is kind of really map controlled
19 along with database.

20 One of the things that was talked about a
21 little earlier here that I heard talking about is buried
22 family members are attached to the lot, section, grave,
23 section number or whatever and, therefore, multiple
24 burials would have to be programmed accordingly into the

1 database. You could not just enter it and put it in
2 there. You would have to -- each lot has -- its data is
3 attached to it. So if you open up that lot and you see
4 that there's already somebody buried there, you better
5 make sure the arrangements have been made accordingly.
6 So it would bring up a quick attention to that.

7 With the database attached, you could search by
8 names. If you're doing a genealogy search or searching
9 for anybody else, you would type in their last name, it
10 would pull up all available names, any similarities in
11 that whole cemetery then you could pick that particular
12 name that you want and it would go into the map and
13 highlight that location in the map where that cemetery is
14 -- where that site is actually located, that burial.

15 The data on the data program could include the
16 GPS coordinates so anybody could walk out there with a
17 GPA handheld and walk to their grave site, if necessary.

18 Information about the person appears on the
19 left when you hit it, which is the next page 14, brings
20 up all the information, you might have it in the
21 mausoleum they're in, and if it's double burial.
22 Whatever information is attached to that could be made
23 available in there for anybody to view.

24 15, additional family information. We're

1 pretty much saying that almost anything -- I mean if you
2 want to go in there and put the kids' name in there, you
3 want put they're first buried, second buried or whatever,
4 anything the database can be adapted to. It's unlimited
5 the amount of information you can put in.

6 I understand, you know, they may be mandated to
7 do certain things, but some cemeteries or some funeral
8 directors might like additional things in there.

9 Programming can be inserted to allow
10 specifically design tables. Like this one here is a
11 specifically design table taken in a program from Access,
12 Microsoft Access. That could be attached to that lot and
13 bring up information accordingly.

14 The Access database, you know, it's controlled.
15 If the current database -- your records as we said could
16 be imported that directly into our system so no records
17 are lost. Changes made to the data will be up -- will
18 update automatically the GIS mapping system. It's part
19 of the system. So if you do changes -- you don't have to
20 redraw the map every time. The data is attached to it
21 and controls. The final database can be contained again
22 as any manageable data you would like to put it.

23 18, generating customized reports. You could
24 have reports -- you can do a report of all the lots that

1 are available that are not currently occupied, you can do
2 a report on lots that are sold that you haven't had any
3 burials in yet, any way you want it once the information
4 is in the database, any way they want a report it can be
5 customized to it and make it available.

6 Also, with this program, if needed to, if the
7 family members want to attach a photo or the obituaries
8 or anything to that lot it could also be attached. It
9 makes it available.

10 20, we've looked at several other cemetery
11 sites, and you see one here to the left here is kind of
12 standard what I see. I've seen there's a lot of names,
13 dates, that's the extent of it. You don't see the sites
14 that I have seen that actually tell you what site they're
15 at, where they're located in the cemetery and stuff.
16 With the GIS, this is very easily accomplished with the
17 map and the data.

18 At the same time, once this is all put
19 together, map books can be created. They could be
20 printed for the employees, quick references, could be
21 printed in color, black and white, whatever it might be.
22 A hard copy could be made up and actually book bound or
23 whatever for part of the records that they have to keep
24 onsite at the same time as the program would have the

1 information otherwise.

2 As I've tried to say, this particular program,
3 the GIS programs, you can make up your large wall maps
4 that need to be posted for the public to see.

5 Going down towards the bottom more, with most
6 database programs, information can be password protected
7 for updating by a designated person. In other words,
8 once the data is in there, it can be password protected
9 that they cannot change it without having the proper
10 authorities and the proper accreditations or whatever
11 might be, however you want to program, or there can only
12 be one person allowed in that particular cemetery or
13 anything to make the modifications.

14 Or the other way is, if for some reason a GIS
15 firm actually posted this on their website and made it
16 available for searching is that the information would
17 then be provided to that provider and they could then do
18 the clarification and stuff necessary to -- maybe even
19 through the Comptroller.

20 The final product is Internet ready for public
21 viewing. All they would have to do is if they had a
22 website already just put an attachment to that on the
23 web, it would pull up wherever it's designated to be and
24 the information would be available for the public, for

1 the cemetery -- for the cemetery workers, it could be put
2 on their own computers. Funeral home directors would
3 have direct access. They could see what lots are
4 available, maybe there's one already sold that they could
5 verify that the lots are sold. If it's put on the web,
6 like I said, the funeral home directors could get to it.

7 Just to give you a little background, this same
8 program that we built, developed this through, Kendall
9 County GIS system has posted the entire county website on
10 there with all their attached data for tax records and
11 everything else. It's a very powerful program. We do
12 the individual programming in itself.

13 The cost, well, that's not the big thing here,
14 but it's depending on whatever it would have to do. It's
15 accordingly. As I've said before, it's a multi-year
16 project. It doesn't have to be done now. So if you
17 mandated somebody to do something over 5 year, 10 year
18 period, they could do a little at a time and it wouldn't
19 be overburdening.

20 The next couple pages are just portions of the
21 act that I quoted up in front, you know, Cemetery Care
22 Act, the Counties Act and the other one -- 805 is part of
23 the Business Organizations Act, it has the cemeteries
24 within it also and then the Plat Act that we have to

1 adhere to.

2 Last page, of course, would be any kind of
3 phone numbers, e-mail addresses, website. I have this
4 entire presentation on the website if anybody wants to go
5 look at it, be a little bit more detailed. They're
6 welcome do it at any time they want to.

7 I'm open for questions.

8 HONORABLE HOLMES: Thank you very much. Several of
9 our members have had questions about whether there was
10 technology that existed that could handle exactly what
11 you've just presented. So it's wonderful to know that
12 the technology is there.

13 Are there questions?

14 REPRESENTATIVE DAVIS: I have one. I just have one.
15 Is there a standard size for an adult grave and is there
16 a standard for space between graves?

17 MR. BAUER: That I could not answer that. I mean
18 normally -- I've done a few cemetery editions for the
19 township in a couple cases and they would depict to me
20 what they normally do.

21 REPRESENTATIVE DAVIS: Because I was wondering how
22 you divide up the plot. You would know the size of the
23 cemetery, but how would you divide the plots up.

24 MR. BAUER: The owners of the cemetery would tell us

1 what they wanted to develop those lots at.

2 REPRESENTATIVE DAVIS: Do you think we need a
3 standard for adult graves and a standard for space
4 between?

5 MR. BAUER: I don't think I could answer that. I
6 think your funeral directors can be much better capable
7 of answering that.

8 REPRESENTATIVE DAVIS: Thank you very much.

9 REPRESENTATIVE BRADY: Thank you, Ma'am Chair.

10 Thank you very much for your testimony, sir.
11 Couple questions. Would be -- coming from my work on the
12 electronic filing of death records in the state, I looked
13 under what does it cost in your program. Down here one
14 of the bullet points you have, do as multi-year project.

15 I let the committee know this in the past that
16 with electronic filing it's taken us 9 years to get to
17 just starting to do electronic filing in the State of
18 Illinois. So a multi-year project, I could see that, I
19 can believe that, but would it not be something that
20 would be potentially more doable from whatever comes out
21 of this task force, that point forward? In other words,
22 it would be a monumental -- no pun intended about
23 monuments -- but monumental project to start trying to
24 take records from across the state of cemeteries from

1 maybe the Rago Brothers who have great records to
2 somebody down in my neck of the woods where there's not
3 much. So I mean it's going to be quite, quite a project.

4 MR. BAUER: Yes, I can understand it. Yes, it would
5 probably be much simpler to build from here on, but you
6 have got how many family members and stuff of your own
7 that they're in cemeteries and how do you go backwards
8 and get those. What I'm saying is the multi-year project
9 is -- you might take the first year and take all those
10 maps you got and put them together on a particular
11 website system and put the map base together, and then
12 maybe the following year you might try to work on doing
13 all of your database collections and put the database
14 together that would attach to those maps, then maybe the
15 following year, maybe the third year or something -- you
16 could also do maybe half the cemetery or a section of the
17 cemetery at that time, each time. Each time it's
18 something that can be added to without redoing everything
19 is what I'm trying to say.

20 REPRESENTATIVE BRADY: Thank you. And in closing
21 then, your idea about the cost, in other words, your
22 thought, individual cemeteries paying for this, the state
23 paying for this, who is going to ante up to pay for it?

24 And in the situation of the electronic filing

1 of death certificates, we increased the fee for certified
2 copies of the death certificates in the State of Illinois
3 in which to pay for it, and we had to wait a few years
4 until the amount of money built up in the surcharge fund
5 to be able to get the point where we can even start
6 looking at vendors.

7 So your thoughts on how one would pay for this
8 type of technology.

9 MR. BAUER: This would be developed on an individual
10 cemetery basis. So I would say your website might
11 include Oak Ridge Cemetery or Oak Knoll Cemetery or
12 whatever. So it's probably going to end up going back to
13 cemetery owner or the association that controls. So I'm
14 figuring the expense would come back to them eventually,
15 but as far as filing with that, I guess if you are
16 looking at the electronic filing, trying to build
17 something at the same time with that, it might be hard to
18 attach it to a map because if you're doing all the stuff
19 in the state at the same time, but the information could
20 be made searchable and usable. So I would believe there
21 would be -- electronics of today and technology of today.

22 REPRESENTATIVE BRADY: Thank you.

23 HONORABLE HOLMES: Ms. Zopp?

24 MS. ZOPP: Mr. Bauer, my question is, can you give

1 us a range of what the cost would be for a medium-sized
2 cemetery or of -- like the kind of model that you put in
3 the book just so we can understand if we were going to
4 impose cost, put the legislation in place we'd need to
5 have some idea of what the cost would be. I mean just
6 take one of the examples you gave in your book or in the
7 materials, just give me some idea of what we're talking
8 about.

9 MR. BAUER: On a total cost basis or yearly add-on
10 basis, that's what we're trying to say -- if I was a
11 yearly add-on what I'd probably try to tell somebody is
12 we are looking at the cost of 15 grand a year or
13 something to build it. If you're talking overall basis,
14 of course, it depends on the size of the cemetery,
15 whatever information is available, do we have to survey
16 the lots because there's no plots recorded,
17 it's really -- becomes variable.

18 I guess if you have a certain amount of records
19 to begin with, you could be looking at maybe 40, 50,000 I
20 think in reasonable consumption.

21 MS. ZOPP: Thank you.

22 HONORABLE HOLMES: Thank you so much. We really
23 appreciate your input. It's very valuable, but thank you
24 for your time.

1 Now, I'd like to open up for discussion.

2 Do any of the task force members have
3 additional information to add today?

4 Secretary?

5 SECRETARY ADAMS: I just wanted to let the task
6 force know that on August 19th a formal invitation to
7 Perpetua to testify before this task force was delivered
8 to the lawyers representing Perpetua. I have the
9 invitation here signed by Chairman Holmes. This letter
10 will be posted on the website. We have received no
11 response to date as to whether Perpetua will come to
12 testify before the task force.

13 On August 17th a formal request for information
14 was delivered to the Comptroller requesting several bits
15 of information that the task force previously expressed
16 an interest in, such information including the number of
17 currently licensed cemetery authorities as well as
18 information pertaining to the number of complaints
19 received in each of the last 5 years and those complaints
20 broken down by cemetery name.

21 Finally, I have a bit of an announcement to
22 make. Yesterday the Department received credible
23 information from a complainant who wishes to remain
24 anonymous that persons who are being buried at Mount Hope

1 Cemetery are not being treated with the proper amount of
2 respect and human decency to which they are entitled.
3 Specifically the complainant states that in cases of
4 Public Aid burials, up to four persons are being buried
5 in body bags in a single grave. This I'm including in a
6 letter to the Comptroller.

7 The Department has begun a formal investigation
8 with respect to the potential involvement of licensed
9 funeral directors, but is referring to you, that is, the
10 Comptroller, the issues with respect to the conduct of
11 the cemetery authority which is under your jurisdiction.
12 We will cooperate with you in every way possible on this
13 matter. Thank you. And I'm copying the Attorney General
14 and the Cook County Sheriff on this referral as well.

15 So I wanted to bring that before the task
16 force's attention.

17 HONORABLE HOLMES: Any comments on the Secretary's
18 report?

19 We did have one additional individual who
20 wishes to speak. I neglected to call them so I beg the
21 pardon of the task force. We have one additional
22 witness, Mr. Edward Boone from Friends of Burr Oak
23 Cemetery.

24 REPRESENTATIVE DAVIS: As he is coming up, Ma'am

1 Chairman, does anyone have any knowledge of money being
2 given to Burr Oak in order to help them reopen?

3 HONORABLE HOLMES: No, I don't.

4 REPRESENTATIVE DAVIS: Do you have any,
5 Representative Brady?

6 REPRESENTATIVE BRADY: Ma'am Chair, I believe there
7 was -- wasn't there action taken in court recently about
8 releasing a certain amount of trust funds to be used but
9 not the entire amount that the Receiver had asked for,
10 and I think we might have -- be able to answer --

11 MR. SZABELSKI: I would feel comfortable answering
12 that question.

13 HONORABLE HOLMES: As soon as we speak with
14 Mr. Boone, if you don't mind.

15 Can you spell your name for our court reporter,
16 please.

17 MR. BOONE: Edward Boone, B-O-O-N-E.

18 HONORABLE HOLMES: Thank you very much.

19 MR. BOONE: Thank you. Again my name is Edward
20 Boone. I am a representative of the newly found watchdog
21 group The Friends of Burr Oak Cemetery. Just to give you
22 a bit of history. My involvement with Burr Oak Cemetery
23 began in about 1994 when my father passed away. The
24 original grave site was located at the rear of the

1 cemetery which I believe today was one of the locations
2 where a lot of crimes were taking place. On the day of
3 his funeral I noticed the conditions around the cemetery
4 were not very good and I requested that my father --
5 another plot be -- he be buried in another plot. I went
6 to the cemetery office and they charged me an additional
7 \$250. My family left the cemetery and went to the
8 repast. Myself and a friend remained at the cemetery
9 while they redug another plot for my father and we waited
10 and they reburied him there.

11 Then visiting the cemetery since then 1994 on
12 an average of about 4, 5 times a year, I found the
13 conditions to be very deplorable; flooding all over the
14 place on the roadways, large potholes which kept cars
15 from being able to go past. They had to literally drive
16 on top of graves to get past. These are some of the
17 pictures -- these pictures of the mass flooding was taken
18 on -- these were taken in about 1997, '98. I immediately
19 began complaining to the cemetery and they -- their
20 response was that there was a broken sewer system and
21 that as soon as the weather broke they would -- it's on
22 the agenda to be repaired. Six months went by, a year
23 went by, no repairs to the sewer system.

24 Last year in 2008 my mother passed away, and

1 during the service I noticed that her the vault, the
2 concrete box and the casket was very close to the
3 surface, and I inquired and asked the grave diggers were
4 they going to dig any deeper, and they said, no, that was
5 the limit, that was as far as they would go. Then we
6 went ahead with the service.

7 About 2 weeks passed and during that 2-week
8 period I began doing some research looking at the
9 Illinois Cemetery Protection and Care Act. I researched
10 the village ordinance -- the village ordinance for the
11 Village of Alsip, and I contacted the State Comptroller's
12 Office and complained to them. They told me that there
13 was nothing they could do. The Village of Alsip
14 responded that there was nothing they could do.

15 I quoted their own village ordinance to them
16 which stated that they were responsible for going out to
17 the cemetery to visit, to make spot visits, checks, to
18 see if everything was okay, and that they could fine the
19 cemetery for each day that they found there was a
20 violation. The Village of Alsip was unaware of this.

21 They got back to me in a couple of days. They
22 said, you're right, Mr. Boone, you're right, and they
23 went to court in December of '08 and they did -- cemetery
24 was fined \$500 for the -- not burying my mother at the

1 correct number of feet.

2 On July 11th while the cemetery was on
3 lockdown, the Cook County Sheriff Tom Dart allowed myself
4 and my family to come in to exhume my mother's grave and
5 to have her properly buried at the correct number of
6 feet.

7 During the exhuming of her grave -- she was
8 buried in a solid white casket. When we removed the lid
9 from the concrete vault we noticed there was flooding --
10 there was water to the top of the concrete box which
11 was -- and all around the sides of the concrete box which
12 indicated, you know, the amount of flooding that's taking
13 place at the cemetery.

14 I would advise this panel that if the cemetery
15 -- I just read a report they were given \$50,000 and
16 they're asking for an additional \$400,000 for maintenance
17 and care. If any of those funds are to be released, it's
18 that some of those funds should be directed toward
19 alleviating the flooding problem that's taking place at
20 the cemetery.

21 Our loved ones should rest in peace, not in
22 water. I also believe that there should be some
23 standards with regards to regulations and enforcements
24 and that also that families should be required to go out

1 to the cemetery to look at a grave which they're
2 purchasing, or at the least, be asked the opportunity to
3 do so.

4 Yes, I think there should be standards for
5 size, Ms. Davis, as you indicated because when my father
6 was reburied, when I looked down in the whole, I could
7 see the casket with the vault of the person in the plot
8 that was next to him. So, yes, there should be some
9 sizes, standards for size.

10 I think there should be more education from the
11 funeral directors educating the families if they're
12 burying someone in a deeded or an undeeded grave. There
13 should also be some education to the families regarding
14 the placing of markers or headstones.

15 I read in the Cemetery Protection and Care Act
16 that if someone was buried in an unmarked grave that,
17 after a time period of 50 years, the cemetery has the
18 right to dig up that plot and resell it after they have
19 petitioned the courts and went into court and after they
20 placed a small notice in a local newspaper. No one reads
21 those notices, and so this is how graves are turned over.
22 They can do it legally, but they have to place a notice
23 in the newspapers, but no family -- no one is aware of
24 this. I'm aware of it because my research and because of

1 the problems that I've had with the cemetery.

2 Cemeteries are required to have number markers.

3 My years of going out to Burr Oak Cemetery, I found that
4 there are very few unmarked graves that have the numbered
5 markers. This was -- this is a means for families to
6 locate their loved ones who do not have headstones, and
7 Burr Oak Cemetery has very few numbered markers
8 indicating the location of a grave.

9 Also, that I believe that all cemeteries should
10 be required to have some type of website in this age of
11 technology as the gentleman before me spoke which would
12 make it much easier for families to easily go online to
13 locate a grave site whether it's marked or unmarked.

14 And I believe that is -- one other case.

15 Ms. Davis, you spoke about holidays, you know,
16 someone mentioned about holidays. Holidays, yes, is a
17 time when families tend to go out to the cemeteries a lot
18 often. I found that going out to the cemetery -- to Burr
19 Oak Cemetery, I would usually go out prior to the
20 holidays and I found that the staff at Burr Oak would be
21 put there sprucing up the grounds, pulling up any water,
22 any weeds that were growing around the cemetery, making
23 it beautiful prior to those holidays.

24 One holiday actually last year, 2008, prior to

1 Mother's Day, I went out to the cemetery and the roads
2 were flooded just as they are in the photos here, and the
3 cemetery had a large truck with a pump attached to it
4 with a tank attached to it which had a large hose. The
5 hose -- they were pumping water off of the roadway and
6 the hose ran on top of graves and they were literally
7 pumping the water off of the pathways, the driveways onto
8 -- on top of graves.

9 I complained to the gentlemen that were out
10 there. They stated that who are you? It's none of your
11 business. I went to the office, complained. When I came
12 back out, the gentleman had removed the truck because I
13 immediately went down to Walgreens and got a camera, came
14 back, started taking pictures. They moved the truck,
15 they removed the hose, but these are the type of things
16 that were taking place at Burr Oak Cemetery.

17 My heart goes out to all the families affected,
18 you know, by this tragedy, but yet I am also elated and
19 happy that it has finally come to light that, you know,
20 now the city and the state sees, you know, some of the
21 things that I've been seeing for years.

22 So, yes, there were red flags all over the
23 place. No one listened.

24 Thank you.

1 HONORABLE HOLMES: Thank you very, very much for
2 your very compelling testimony. We appreciate the time.
3 We understand that this is a very sensitive issue for you
4 and appreciate your sharing these -- this information
5 with us.

6 I would ask that the task force be slightly
7 tolerant. I know we're going over time. We have one
8 additional member of the public who I would like to give
9 five minutes and then I would like to ask -- then I would
10 like to ask the receiver for Burr Oak to please answer a
11 couple questions to the extent that you can if possible.
12 So you have a question.

13 REPRESENTATIVE DAVIS: I wanted to know who did you
14 report to -- you went to the office and where else did
15 you go and report? The Alsip police?

16 MR. BOONE: The Village of Alsip.

17 REPRESENTATIVE DAVIS: Where else?

18 MR. BOONE: Particularly the Department of Health.
19 To the State Comptroller's Office. I have copies --

20 REPRESENTATIVE DAVIS: You did go there also?

21 MR. BOONE: I did go to the State Comptroller's
22 Office. They told me they were responsible for the
23 cemetery trust funds with the cemetery and that there was
24 pretty much nothing that they could do, it was out of

1 their hands.

2 REPRESENTATIVE DAVIS: Thank you. Could we have
3 copies of those pictures please? You may not have enough
4 but staff can get --

5 MR. BOONE: I'll give you copies of letters too.

6 REPRESENTATIVE DAVIS: Thank you, Mr. Boone.

7 HONORABLE HOLMES: If you have the pictures now you
8 can let us have them, we'll look at them then we can have
9 them added to our website so the public knows what we
10 were reviewing.

11 Mr -- Representative Brady, you have one
12 question?

13 REPRESENTATIVE BRADY: Thank you very much. Very
14 briefly, Mr. Boone.

15 Along the same lines, you indicated you talked
16 to the Village of Alsip?

17 MR. BOONE: Alsip.

18 REPRESENTATIVE BRADY: You helped inform them, they
19 responded to you they'd follow back up with you, they
20 apparently went out and assessed a fine, looked at what
21 you were talking about, is that correct?

22 MR. BOONE: Yes.

23 REPRESENTATIVE BRADY: Was there any follow-up from
24 the Comptroller's Office to you?

1 MR. BOONE: No, none at all.

2 HONORABLE HOLMES: Thank you very, very much.

3 The next individual we will hear from is D'Anne
4 Elizabeth Burley.

5 Ms. Burley?

6 MS. BURLEY: I'm very sorry to hold up this meeting.
7 I live out in the suburbs and I suffer from congestive
8 heart failure and my --

9 HONORABLE HOLMES: I hate to interrupt you, but if
10 you could please -- I'm looking at the -- your name, it
11 has an unusual spelling and our court reporter needs to
12 understand how it's spelled. If you could do that.

13 MS. BURLEY: It's D'Anne spelled D, apostrophe,
14 capital A, N-N-E. Last name is Burley, B-U-R-L-E-Y.

15 HONORABLE HOLMES: Thank you. I appreciate that.

16 MS. BURLEY: I'm the daughter of Dan Burley who was
17 the managing editor of Jet Magazine, Amsterdam News in
18 New York, Pittsburgh Courier, wrote the Elijah Muhammad's
19 Muhammad Speaks For The Constant For The Nation of Islam,
20 for the honorable Elijah Muhammad, was a very well-known
21 musician, and he's buried at Burr Oak. My mother is at
22 the 127th Street property that is tied to Burr Oak. I am
23 the woman that came to the media and told them about the
24 other properties when I found out about the situation and

1 condition of Burr Oaks.

2 The reason why I didn't bury my mother in 1984
3 at Burr Oaks because the condition existed way prior to
4 Carolyn Towns coming to the property.

5 I talked to Ms. Towns when she came there in
6 2004 when I just got out of Northwestern Hospital with
7 the operation of angioplasty done. I went directly to
8 Burr Oak Cemetery because the group that was putting
9 plaques on graves for the Negro League invited me there
10 to speak. There was about 150 participants there, and I
11 came there because they put a plaque on my dad's grave
12 for his work in the Negro League.

13 I am imploring this council to understand that
14 there is grievous issues done towards the black community
15 in regards to this issue. One of the grievous issues is
16 the fact that the community don't -- doesn't even realize
17 that in 1927 that cemetery was created by Earl Dickerson
18 who is buried there with his wife and also Truman Gibson,
19 who is an attorney, that worked hard in regards to
20 establishing legal issues considering the situation
21 what's going on with the African Americans going into the
22 military in the 1940s.

23 The whole thing is that I don't think Carol
24 Towns was the person that is totally involved with this

1 issue. I think the issue is more grievous than you would
2 ever imagine. Like I said, I found four, I reported to
3 the media. I had to go through hard, hard times to get
4 the media even to concentrate on -- listen to what I was
5 talking about or have major concern of what was going on
6 because again our black community has been always ignored
7 by the media. The black community is ignored by the
8 so-called law enforcement agencies you go to.

9 You complain -- there was body parts lying
10 there before this woman came in there, there were rotten
11 out records there. She told me, I saw those. I gave her
12 a copy of a letter from Malcolm X to put in this
13 historical museum she was trying to make. Again, she
14 came into a horrific condition trying to change it.

15 There's a sister property with the exact same
16 DNA of what's going on over there in Burr Oaks going on
17 in Ohio, and there's two other properties you don't know
18 anything about that I am still researching.

19 Now, the bottom line is that the property was
20 developed because blacks could not be buried anywhere in
21 the State of Illinois because of a race riot. Because of
22 that situation now all of a sudden, without the
23 permission of the families who have vested interests in
24 the control of that ground, because the cemetery rules

1 and regs that were written back in the 1927s did not say
2 anything about you could double bury people, and it
3 didn't say in regards to all these things, the conditions
4 today of the rules and regs in regards to what happens in
5 regards to taking a loved one and burying them, interring
6 them into the ground.

7 I have fiduciary rights to that property as a
8 whole bunch of other people, and I think -- I don't know
9 the commission feels about this, but I think there should
10 be more input from the families and also the
11 consideration that today, in 2009, black folks cannot
12 talk to the police department, law enforcement agencies,
13 government officials or anything in regards to horrific
14 conditions that are going on not only in the Burr Oak
15 Cemetery but in the community itself because we are
16 totally ignored.

17 I want to put this as record because again I am
18 a victim, my mother is a victim now because she is over
19 in the other property where the money is being stopped
20 from coming in. There are two more cemeteries you don't
21 know anything about, and I'm not talking about it right
22 now because again who do you talk to, who do you go to if
23 you have to be quote, quote, unquote, colored, black,
24 African American or what, and I am appalled.

1 So that's what my statement is. And, like I
2 said, you want to call me, my number is open. I'm on the
3 media. I have an international broadcast. I have been
4 talking about the conditions here in Illinois, and it's
5 deplorable. 630-666-8528 is my number. And my
6 website --

7 REPRESENTATIVE DAVIS: Give us the number again.

8 MS. BURLEY: 630-666-8528. I go to -- I worked in
9 the Circuit Court of Cook County as a deputy clerk, first
10 black deputy clerk in Rolling Meadows, and I worked in a
11 number of places I was the first black, and 2009 it
12 shouldn't be a situation that I have -- like this poor
13 gentleman said, you have to go to person to person to
14 person, commit a crime in the black community and you're
15 totally ignored.

16 Now, like I said before, this is 2009, I'm not
17 going to hold my tongue, and I am on the media and I
18 thank you for your time.

19 REPRESENTATIVE DAVIS: What's your website?

20 MS. BURLEY: It's Danne -- danneburley.us. You
21 Google my name, there's at least 60,000 sites on me.
22 I've had Mordechai Vanunu on my show, Congressman Dennis
23 Kucinich, some of the top people in this country, and
24 like I said, I'm appalled, really appalled to what's

1 going on.

2 I thank you for your time.

3 HONORABLE HOLMES: Thank you very, very much. We
4 appreciate very much.

5 Mr. Szabelski?

6 MR. SZABELSKI: Good afternoon.

7 HONORABLE HOLMES: If you could spell your name for
8 our court reporter.

9 MR. SZABELSKI: S-Z-A-B-E-L-S-K-I.

10 HONORABLE HOLMES: Thank you. We appreciate it. We
11 saw you sitting out there and some of the task force
12 members had a few questions. I believe it was Ms. Zopp,
13 was it your question, or Mr. McNary's question about the
14 amount of money?

15 MR. SZABELSKI: Representative Davis.

16 REPRESENTATIVE DAVIS: I was asking -- I heard kind
17 of from one of the radio stations that some money had
18 been released to the Burr Oak Cemetery in order that they
19 could reopen, is that correct?

20 MR. SZABELSKI: That is correct. On Monday the
21 court ordered \$50,000 to be released from the Income Care
22 Fund for the use by the Receiver for reopening Burr Oak
23 Cemetery. That money is not yet in my hands. It has
24 been released and we are in process of doing the

1 paperwork to get that money to me.

2 REPRESENTATIVE DAVIS: Once you get the money,
3 you'll be able to hire or rehire some people that were
4 laid off to --

5 MR. SZABELSKI: That is correct

6 REPRESENTATIVE DAVIS: -- to allow burials to
7 continue, is that correct?

8 MR. SZABELSKI: The intent is to reopen the cemetery
9 -- the intent is to bring the employees back so we can
10 continue to prepare the grounds for reopening the
11 cemetery. I'm still a little hesitant to perform burials
12 until I have more accurate records in my possession,
13 which I'm still waiting for returns from the Sheriff's
14 office.

15 REPRESENTATIVE DAVIS: I really appreciate that
16 because we really don't want to repeat what has occurred.

17 Are you doing anything with Cedar Park which is
18 also owned by the same company?

19 MR. SZABELSKI: My receivership is only on the
20 govern -- is only focused on the governance of Burr Oak
21 Cemetery.

22 REPRESENTATIVE DAVIS: I understand you've asked for
23 more than 50,000, is that correct?

24 MR. SZABELSKI: I have asked the release of \$450,000

1 to deal with the issues such as Mr. Boone just mentioned
2 about the flooding and sewers of the cemetery that need
3 to be done. There's many different issues that need to
4 be done. Roads need to be repaired, 75,000; sewers need
5 to be repaired, 75,000; fencing needs to be installed,
6 20,000, and so forth. And so it quickly adds up to that
7 450,000.

8 REPRESENTATIVE DAVIS: The 450 that you're getting
9 comes out of what fund?

10 MR. SZABELSKI: Comes out of the Income Care Fund or
11 the Perpetual Care Fund.

12 REPRESENTATIVE DAVIS: How much will they have left?

13 MR. SZABELSKI: I believe -- I'm being careful what
14 I'm saying here. I believe the fund is currently \$1.4
15 million.

16 REPRESENTATIVE DAVIS: That's what I thought. All
17 right. Thank you very much.

18 HONORABLE HOLMES: Do you have any other questions.

19 Representative Brady?

20 REPRESENTATIVE BRADY: Thank you very much. Along
21 those same lines, 50,000 right now. There's potentially
22 1.4 million in the trust fund, is that correct?

23 MR. SZABELSKI: That's correct.

24 REPRESENTATIVE BRADY: Just for the benefit of the

1 committee to make sure, that Perpetual Care Trust Fund is
2 dollars that families have entrusted to Burr Oak as far
3 as whether that's pre-need burial spaces being bought,
4 markers, vault, et cetera, is that correct?

5 MR. SZABELSKI: No. The Income Care Fund or the
6 Perpetual Care Fund is the money that is set aside from
7 the purchase of just the graves for the future care of
8 the cemetery.

9 REPRESENTATIVE BRADY: Then in that situation that's
10 the amount that comes out of each sale that is put into
11 that fund under the present act of the State of Illinois
12 and Cemetery Care Act?

13 MR. SZABELSKI: Right. 15 percent of the purchase
14 of the grave is required to be put aside for the future
15 care of the cemetery. Burr Oak currently sells graves
16 pricing ranging from \$85, which means you put \$12.50
17 away, which doesn't seem to be a whole lot in my eyes as
18 an experienced cemeterian, versus a \$2,000 grave and
19 you're putting away 15 percent.

20 Mr. Carter, I'm sure as a cemetery
21 representative, you know the value of those grave prices
22 and the need to put moneys aside for the future care of
23 the cemetery.

24 REPRESENTATIVE BRADY: At one time at least, though,

1 Burr Oak was in the business of lots, in other words,
2 grave space selling those spaces in advance?

3 MR. SZABELSKI: Correct.

4 REPRESENTATIVE BRADY: Vaults?

5 MR. SZABELSKI: They do sell grave boxes. Outer --

6 REPRESENTATIVE BRADY: Concrete grave liners?

7 MR. SZABELSKI: Yes.

8 REPRESENTATIVE BRADY: Markers?

9 MR. SZABELSKI: Yes.

10 REPRESENTATIVE BRADY: Any other type of burial
11 products?

12 MR. SZABELSKI: I believe there's vases.

13 REPRESENTATIVE BRADY: Vases with the markers.

14 MR. SZABELSKI: But I believe -- maybe flowers.

15 REPRESENTATIVE BRADY: The court is going to make a
16 decision about releasing further funds to you for your
17 needs in the future, is that correct?

18 MR. SZABELSKI: That is correct. The next hearing
19 is September 22nd to determine whether the rest of that
20 request for half a million dollars is going to be
21 released. So the \$450,000. Beyond that?

22 REPRESENTATIVE BRADY: That was my next question.

23 MR. SZABELSKI: I'm hoping that 500,000 will be
24 sufficient to do all that I think need to be done there,

1 and that would leave them with a care fund for the
2 future, but I'm not closing the door there because I'm
3 not quite sure to what extent what else has to be done.
4 Every day you find just a little bit more that you say
5 it's just not right, it's just not right.

6 REPRESENTATIVE BRADY: Thank you.

7 HONORABLE HOLMES: Thank you so much on behalf of
8 the families at Burr Oak. We appreciate the work that
9 you're doing there.

10 MR. SZABELSKI: Thank you.

11 HONORABLE HOLMES: Do any of the other task force
12 members have anything?

13 MR. McNARY: Just one quick question. We are going
14 to have the Comptroller and the Attorney General at the
15 next meeting. What is the -- what will they be
16 testifying? What's the subject matter for them?

17 HONORABLE HOLMES: We have asked the Comptroller to
18 come and testify. We have a letter that lists -- just
19 for the record we'll let you know what we've asked him to
20 come and speak to us regarding his authority over
21 cemeteries. We've asked him a series of questions, I'll
22 let you look at the letter, with respect to the number of
23 complaints that he's received, and we are looking to get
24 a breakdown of the enforcement that has taken place with

1 respect to these complaints over the past 5 years, and
2 we've asked for some various information regarding the
3 amount of funds held by his office for the administration
4 of programs regarding clean up and abandonment and
5 neglect of cemeteries. So we're hoping to hear some
6 information with respect to that.

7 And then I was contacted by the Attorney
8 General's office because in the beginning we put out an
9 invitation to all public officials who wanted to come and
10 testify before our task force, and the Attorney General
11 did take us up on our offer and has indicated that she
12 would like to come and speak to us. I'm not exactly sure
13 what her topic will be.

14 MR. McNARY: Thank you so much.

15 REPRESENTATIVE BRADY: Ma'am Chair, is that letter
16 posted on web page as well?

17 HONORABLE HOLMES: Yes, it's posted on the page.

18 We have addressed the one concern that I
19 believe it was Task Force Member Arnold who had the
20 question regarding the technology so that question has
21 been answered today.

22 So if any of you have any additional questions
23 that you would like to have addressed by our witnesses at
24 our last meeting, please let me know.

1 REPRESENTATIVE DAVIS: Honorable Judge Holmes, I
2 would -- I would like for the Attorney General to have
3 information for us on where the criminal acts are in
4 place -- where the criminal acts are in place and what
5 the penalties are. For example, there are different
6 places of the law, and I think they go up to a Class 3
7 felony. We'd like to know exactly what is required when
8 you are charged with a Class 3 or Class 2 felony.

9 HONORABLE HOLMES: I'll contact her office and let
10 her know that we'll be asking those questions.

11 If there's anything else -- because this will
12 be our last meeting, it's my understanding that in
13 addition to Comptroller Hynes and Attorney General
14 Madigan, we will have Harvey Lapin who spoke to us I
15 believe at our first meeting. He would like to make some
16 recommendations with respect to the cemetery industry,
17 and so he has requested to speak to us on that last day
18 as well.

19 REPRESENTATIVE DAVIS: Could we also hear from Ann
20 Johnson? She has a different organization. She spoke --

21 HONORABLE HOLMES: LuAnn Johnson from Oak Ridge?

22 If she is requesting to speak to us again, most
23 certainly. We'll add her to the list. I see you here.

24 MS. JOHNSON: I'll be happy to be here.

1 REPRESENTATIVE DAVIS: Is she here?

2 HONORABLE HOLMES: She gave, you know, an excellent
3 presentation at our Springfield meeting, which was
4 fantastic, so provided some excellent information.

5 So our meeting today will be adjourned. We'll
6 reconvene on September 10th at 2:00 p.m. That meeting is
7 here.

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1 STATE OF ILLINOIS)

) SS:

2 COUNTY OF C O O K)

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4 CAROL CONNOLLY, being first duly sworn, deposes
5 and says that she is a Certified Shorthand Reporter in
6 Cook County, Illinois, and reporting proceedings in the
7 Courts in said County;

8 That she reported in shorthand and thereafter
9 transcribed the foregoing proceedings;

10 That the within and foregoing transcript is
11 true, accurate and complete and contains all the evidence
12 which was received and the proceedings had upon the
13 within cause.

14

15

16

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19

20 Subscribed and sworn to before me this

21

22 _____ day of _____, A.D., _____.

23

24